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THIRD NON-PROLIFERATION TREATY REVIEW CONFERENCE AND 29TH REGULAR SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

OF THE

COMMITTEE ON
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

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THIRD NON-PROLIFERATION TREATY REVIEW CONFERENCE AND 29TH REGULAR SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

WEDNESDAY, NOVEMBER 20, 1985

U.S. SENATE, SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES, COMMITTEE ON GOVERNMENTAL AFFAIRS,

Washington, DC.

The subcommittee met at 10 a.m. in room SD-342, Dirksen Senate Office Building, Hon. Thad Cochran (chairman of the subcommittee) presiding.

Present: Senators Cochran and Glenn.

OPENING STATEMENT OF SENATOR COCHRAN

Senator COCHRAN. The subcommittee will please come to order. I want to welcome each of you to the hearing of the subcommittee. Today, we are hearing testimony concerning two recent international conferences of great significance for the multilateral effort to halt the spread of nuclear weapons. Nonproliferation is one area of arms control in which the United States and the Soviet Union have recognized common interests, and this subject is surely being discussed today at the Summit Conference in Geneva.

Another nuclear weapons state, the People's Republic of China, has recently moved toward greater support for the international nonproliferation regime, and has signed an agreement for nuclear cooperation with the United States. While that agreement is still being considered by the Congress and is not the subject of this hearing, we may hope that it indicates growing Chinese adherence to international nonproliferation norms.

The Treaty on the Non-Proliferation of Nuclear Weapons entered into force in 1970, and its effectiveness has been reviewed by the signatory nations at 5-year intervals. The Third Review Conference was held in August and September in Geneva, Switzerland. Immediately thereafter, the 29th session of the General Conference of the International Atomic Energy Agency convened in Vienna, Austria.

Since the treaty and the agency are vital elements in the international nuclear nonproliferation effort, these conferences bear close examination. While some feared that the meetings would be unproductive and might even indicate an unraveling of the nonproliferation regime, the results of the two conferences evidenced a strengthening international commitment to nonproliferation.

We will receive testimony from two men who were leaders in the U.S. delegations to the two conferences. We will be interested to hear their assessments of the health of the nonproliferation regime, together with ways in which the United States can enhance its effectiveness in working with other countries to discourage the further spread of nuclear weapons.

Our first witness will be Dr. Lewis A. Dunn, Assistant Director for the Bureau of Nuclear and Weapons Control of the U.S. Arms Control and Disarmament Agency. Ambassador Dunn was Deputy Head of the U.S. delegation at this year's Third Review Conference on the Non-Proliferation Treaty, and he will present his review and assessment of the Conference, with special emphasis upon the future of the treaty and U.S. efforts to enhance its usefulness.

Our second witness will be Mr. Danny J. Boggs, Deputy Secretary of Energy. Secretary Boggs led the U.S. delegation to this year's General Conference of the International Atomic Energy Agency. He will review and assess the Conference, with special attention to the strengths and weaknesses of the Agency and U.S. efforts to enhance its effectiveness.

I would like to welcome our witnesses and to express my appreciation for your being here and your cooperation with our subcommittee. At this time, I am happy to yield to my friend and distinguished colleague, the Senator from Ohio, Mr. Glenn.

OPENING STATEMENT OF SENATOR GLENN

Senator GLENN. Thank you very much, Mr. Chairman, and I do have some short remarks here. I commend you for holding this hearing on nuclear nonproliferation. We are dealing with one particular part of it here today, but I am very much still concerned about the bigger, overall problem. As you mentioned, the President may be, even as we are having this meeting, discussing some of these matters in Geneva.

I am glad to see that he is doing that, because we can recall at a news conference in Jacksonville, FL, back in June 1981, just 4 years ago, when the President was asked about nuclear weapons, and the President said he believed the United States should not stand in the way of foreign countries that wanted to develop their own nuclear weapons.

The direct quote was, "I just don't think it's any of our business." We have obviously come quite a way since then. There were some confusing signals given about nonproliferation. In January 1983, the President said, and I quote:

> I think we're pretty well on our way to if not entirely eliminating nuclear proliferation, holding it down to where a country might have a weapon or two, but they're not going to have enough to threaten the world.

Well, if you think of a Qaddafi or a Khomeini having just one or two and not being a threat, it just sort of stretches the imagination. So I think the record of the administration so far has not been one that I think we should just complacently go along with.

There are a dozen or more examples of this, and let me just run through them very, very briefly. First, we removed the ban on commercial reprocessing of spent fuel in the United States, an action that encouraged the separation of weapons-usable materials in other countries.

We approved a computer sale to South Africa, which computer could be used in weapons design projects.

We tacitly approved a nuclear fuel sale in South Africa from a European nuclear fuel facility that allowed South Africa to escape a 5-year United States embargo and allowed South Africa to keep its stockpile of weapons grade uranium.

We arranged for an alternate fuel supply for India, despite the fact they crossed us up in our previous supply to them. I went through that during the Non-Proliferation Act debate when we were trying to get that act through.

The administration arranged for American-built spare parts for India's Tarapur reactors to be supplied from Europe.

Approved the sale of a computer to Argentina for use in a heavy water facility, despite their refusal to put safeguards on their nuclear facilities; we also approved the retransfer of 142 tons of United States origin heavy water from Germany to Argentina.

We allowed Brazil to escape penalties for buying European nuclear fuel, despite Brazil's refusal to put all the facilities under safeguards.

We provided a $3.2 billion military assistance package to Pakistan, without receiving the ironclad assurances on nonproliferation that we wanted.

We initiated a policy on generic approvals for reprocessing and returned plutonium that undercuts congressional review of such retransfers when NNPA.

Numerous transfers of technology to India, South Africa, Argentina, Israel, China, none of whom have signed the NPT, and I won't go on with the list. This didn't even mention the cases that came quite close but didn't make it.

Mr. Chairman, while this is the dark side of the administration's nonproliferation record, I know what the subject of our hearing is today, IAEA and the National Non-Proliferation Treaty Review. These are matters of importance, but I hope we are not going to think that just because these conferences worked out fairly well or worked out very well, that we have solved our nuclear nonproliferation problems as far as this country's actions go.

So thank you very much, and I look forward to hearing the testimony.

[Prepared statement of Senator Glenn follows:]

PREPARED STATEMENT OF SENATOR GLENN

Mr. Chairman, I commend you for holding this hearing on nuclear nonproliferation, a subject which is distinguished on many grounds, not the least of which is that it is being discussed in Geneva by President Reagan and Premier Gorbachev.

I am very pleased to see the President take such a personal interest in this subject. As we all recall, on January 31, 1981, at a news conference in Jacksonville, Florida, the President said he believed that the U.S. should not stand in the way of foreign countries that wanted to develop their own nuclear weapons.

"I just don't think it's any of our business", he said.

That was one of a number of confusing signals sent by the President and by his Administration concerning the commitment and attitude toward nonproliferation. About two years later, on January 22, 1983, the President said "I think we're pretty well on our way to—if not entirely eliminating nuclear proliferation, holding it down to where a country might have a weapon or two, but they're not going to have enough to threaten the world."

I must confess to some amazement at the equanimity that this statement expresses at the possibility of a Qaddafi or Khomeini having one or two nuclear weapons. Maybe the President doesn't realize that the U.S. Government could cease as a functioning entity as a result of one well-placed nuclear weapon dropped on Washington.

I am aware, Mr. Chairman, that the main subject of this hearing is the NPT Review Conference and the IAEA General Conference, both of which avoided disaster and, in the case of the NPT Review Conference, even achieved some useful, if limited, results. But it would be a mistake to use these results to obscure the real record of the Administration in nonproliferation matters, and that record is, in my view, not one to be proud of.

Here are more than a dozen examples of how this Administration has undermined the credibility of the United States nonproliferation effort around the world.

1. Removed the ban on commercial reprocessing of spent fuel in the United States—an action that encouraged the separation of weapons-useable materials in other countries.

2. Approved a computer sale to South Africa, which computer could be useful in weapons design projects.

3. Tacitly approved a nuclear fuel sale to South Africa from a European utility that allowed South Africa to escape a five year U.S. fuel embargo and allowed South Africa to keep its stockpile of weapons grade uranium.

4. Arranged for an alternate fuel supplier for India despite that country's violation of a previous supply agreement with the U.S.

5. Arranged for American-built spare parts for the Tarapur reactors to be supplied from Europe.

6. Approved sale of a computer to Argentina for use in a heavy water facility, despite Argentina's refusal to put all its nuclear facilities under safeguards.

7. Approved the retransfer of 142 tonnes of U.S.-origin heavy water from Germany to Argentina.

8. Allowed Brazil to escape penalties for buying European nuclear fuel despite Brazil's refusal to put all her facilities under safeguards to satisfy U.S. law.

9. Provided a $3.2 billion military assistance package to Pakistan without receiving iron-clad assurances of a halt in Pakistan's nuclear weapons development program.

10. Initiated a policy of generic approvals for reprocessing and return of plutonium that undercuts Congressional review of retransfers under the NNPA and will place large quantities of nuclear weapons materials in commerce. This year alone, the Administration has approved plutonium shipments of 100 kgms to Japan and 200 kgms to Switzerland, the latter to be used for plutonium recycle in ordinary light water reactors—the most dangerous civilian activity from the point of view of proliferation.

11. Provided numerous export licenses for transfers of technology to the nuclear programs of India, South Africa, Argentina, Israel, and China, none of whom have signed the NPT. In one year (mid 1981 to mid 1982), 57 such licenses were approved. So far, this year, even though the U.S./China nuclear agreement is not in force, the Administration has approved at least 19 transfers of nuclear-related technology to the PRC.

12. Signed nuclear cooperation agreements with three countries that provide for 30 year approvals in advance for reprocessing of spent fuel—an action that will create pressures for return of plutonium in future years.

13. Signed an agreement with a country, the PRC, with as bad a proliferation record as exists on earth, without an adequate requirement for verification of peaceful uses.

This record does not even mention the cases that came close, but did not quite make it. Like the near-approval of the shipment of hot isostatic presses to South Africa that could be used to shape nuclear materials into explosives; or the attempt to repeal the Glenn/Symington Amendment that gives the U.S. some control over the proliferators in the world who wish to give or obtain sensitive nuclear technology.

This is the dark side of this Administration's nonproliferation record, Mr. Chairman, and since we are likely to hear about much sweetness and light at the NPT Review Conference and the IAEA General Conference, I felt it necessary to provide an appropriate background to the Administration's testimony today.

I will have more to say about it in my questioning of the witnesses. Thank you very much.

Senator **Cochran**. Our first witness is Dr. Lewis A. Dunn, Assistant Director for Nuclear and Weapons Control, U.S. Arms Control and Disarmament Agency.

Dr. Dunn, you may proceed.

TESTIMONY OF DR. LEWIS A. DUNN, ASSISTANT DIRECTOR FOR NUCLEAR AND WEAPONS CONTROL, U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Ambassador **Dunn**. Thank you very much.

I appreciate this opportunity to appear before the subcommittee to discuss the results of the 1985 Conference on the Treaty of Non-Proliferation of Nuclear Weapons, the so-called NPT. I have a detailed statement, which I would ask be included in the record. What I would like to do is sum up the statement.

Over the past years, the administration has worked to put together a defense indepth in the nonproliferation area. We have worked strenuously to strengthen export controls to make it technically more difficult for a country to acquire nuclear explosives. We have worked to reduce the motivations that a country might have and which could lead a country toward a nuclear explosive capability. And finally, we have worked as part of this endeavor, to strengthen international institutions which are a key part of our global nonproliferation effort. One of those institutions is the Non-Proliferation Treaty.

With regard to the recent Non-Proliferation Treaty Review Conference, let me sum up first the big picture and then turn to a more detailed discussion of some of the elements of the Review Conference.

Despite predictions by some observers that this Conference would end in deadlock and confrontation, or even worse, threatened withdrawals from the treaty, the parties engaged in a full and successful review of the treaty's implementation, and even adopted a consensus final declaration.

In this declaration, the parties unequivocally reaffirmed their support for the treaty and concluded that the NPT is essential to international peace and security. They expressed their determination as well to enhance the treaty's implementation, building on its strengths in the years ahead. Although the United States had stressed during the 2 years' preparation for the conference that agreement on such a final document should not be the measure of a successful review, the final declaration that did result is, nonetheless, a valuable political statement.

It sets out recommendations for strengthening further the nonproliferation regime and supports our global nonproliferation efforts, especially through this declaration's strong endorsement of the Non-Proliferation Treaty, strong endorsement of the need to prevent the spread of nuclear weapons, and strong endorsement of the International Atomic Energy Agency and its system of international safeguards.

The key to this successful review, in our view, was the recognition of the parties' common statement in the NPT. As President Reagan said in his message to the 1985 Review Conference, "The NPT is an historical accomplishment, and it serves all countries' security." This theme was repeated by virtually all of the states represented at the Review Conference.

As provided for under the treaty, the parties have conducted three major multilateral reviews of the treaty's operation. The Third Review Conference met for 4 weeks in Geneva in August and September; 86 of the 130 parties to the treaty participated. In addition, a number of nonparties participated as observers.

There also was heavy attendance by various nongovernmental organizations. For our part, the United States at this Third Review Conference sought two broad objectives: First, we wanted a reaffirmation by the parties of their support for this vital arms control agreement and the international nonproliferation regime of which it is a key part.

Second, we sought to identify ways to strengthen the overall nonproliferation regime and the NPT without amending the treaty. Both objectives were achieved, as evidenced by the basic themes of the debate and the specific elements of the final declaration.

Turning to the basic themes, during the general debate at the start of the Conference when parties delivered national statements, one basic theme struck by virtually all the parties was strong support for the NPT. Speaker after speaker acknowledged the treaty's important contribution to international security and warned that the further spread of nuclear weapons would add to regional and global tensions and increase the risk of nuclear war. Many states called it the most important arms control agreement in history.

Strong endorsement of the International Atomic Energy Agency and its international safeguards system was another basic theme. There also were calls for increased assistance to developing countries interested in pursuing peaceful nuclear programs.

Finally, throughout the debate, there was widespread criticism and disappointment over the slim progress made toward achieving the objectives of article 6, negotiation of effective measures to end the nuclear arms race and on nuclear disarmament. We, for our part, shared the disappointment over the slender progress that had been made since the treaty came into effect in 1970.

Following a general debate, the Conference undertook an article by article review of the implementation of the treaty. I shall sketch some of the key results and request that the final declaration of the Conference be included in the record as an appendix to my testimony.

Under articles 1 and 2 of the treaty, nuclear weapons states and nonnuclear weapons states, respectively, commit themselves to policies and practices designed to prevent the proliferation of nuclear weapons and other nuclear explosive devices. In its final declaration, the final declaration states these commitments have been met under the period under review, greatly helping to prevent the spread of nuclear weapons.

Concerning article 3, which provides for the application of IAEA safeguards on peaceful nuclear activities in nonnuclear weapons states, the parties concluded that such safeguards are a fundamental element of the treaty, play a key role in preventing the spread of nuclear weapons, promote confidence among states, are essential to peaceful nuclear commerce and help to strengthen international security.

Significantly, the 1985 Review Conference declared that unsafeguarded nuclear activities in nonnuclear weapon states pose serious proliferation dangers and urge countries with such activities to accept IAEA safeguards on present and future peaceful facilities. President Reagan previously had urged all nuclear suppliers to agree to require comprehensive safeguards in nuclear weapons states as a condition for any nuclear supply commitment.

Tilting in that direction, the final declaration calls on the parties "specifically as a necessary basis for the transfer of relevant nuclear supplies to nonnuclear weapon states to take effective steps toward achieving acceptance of such safeguards by those states."

Turning to peaceful uses in article IV, the Conference affirmed that the nonproliferation and safeguards commitments of the NPT provided an essential framework for peaceful nuclear cooperation and that the NPT does foster the worldwide peaceful use of nuclear energy. In contrast to 1980, at the last Review Conference, it acknowledged that an appreciable level of bilateral cooperation had taken place. At the same time, the Conference reaffirmed the parties' commitment to help foster peaceful nuclear cooperation and welcomed the IAEA's technical assistance and cooperation programs. It identified the IAEA consideration possible measures to strengthen peaceful assistance.

As expected, evaluation of the slender progress toward the nuclear arms limitation and disarmament objectives of article VI was the most difficult issue at the Review Conference. Much of the discussion centered on the relative priority to be placed on a comprehensive ban on nuclear testing, a so-called CTB. On the one hand, virtually all parties present supported immediate negotiations on an urgent conclusion of a comprehensive nuclear test ban.

The United States, on its part, while making clear its commitment to the long-term goal of the CTB, stressed its conviction that deep and verifiable reductions in existing nuclear weapons must have the highest priority. In our view, only such reductions would represent progress toward the shared goal of the eventual elimination of nuclear weapons.

In the Conference's final declaration, the parties agreed, after intensive negotiations, to reflect these legitimate differences of view in a straightforward, factual manner. All the Conference participants, including the United States, first endorsed language that said that the objectives of article VI remain unfulfilled and that welcomed the United States-Soviet bilateral negotiations in Geneva.

Then the compromise language that followed set out the strong belief of the great majority of the parties present that CTB negotiations should resume in 1985. But that language equally reflected the U.S. conviction that deep and verifiable reductions of existing nuclear articles should be the first step.

The 1985 Review Conference also was the scene of extensive behind-the-scenes maneuvering on a number of regional-political issues, which threatened the work of the Conference. These issues were how to characterize Israel's 1981 bombing of Iraq's research reactor, calls for Conference action on nuclear cooperation with Israel and South Africa, and on the final night, how to deal with alleged Iraqi attacks on an Iranian nuclear reactor.

In each case, outcomes satisfactory to the United States eventually were reached.

Many factors, in my view, contributed to the successful outcome of the 1985 Review Conference. For over 2 years, the United States had been preparing for this Review Conference. Throughout these preparations, we conducted extensive consultations with our allies, with the Soviets and other members of the Socialist group, and with many members of the Neutral and nonaligned group. In these consultations, we sought not only to explain U.S. views, but also to gain a better understanding of the concerns of other parties. We stressed the need for an honest review, a review which recognized where there was less progress than wanted in meeting certain of the Treaty's goals, but also emphasized many of the Treaty's successes. The strong common interest of the United States and the Soviet Union and the NPT played a part, too. It fostered a general cooperative instructive working relationship at the Review Conference.

Polemical exchanges in Geneva, which would have served only to distract attention from the many security benefits of the NPT, were avoided. A general desire on the part of virtually all countries to avoid a repetition of the acrimonious disagreement of 1980 also played a role. That said, I believe that the most important factor which led to success in 1985 and clearly the most significant from the perspective of the long-term health of the treaty, was the recognition by all of the parties of their vital stake in this important arms control agreement.

This was evident throughout the Conference as the parties worked intensely to find the common ground to reaching consensus. It was most evident on the final night when the parties including many of the nonaligned, urged Iran and Iraq to compromise and kept the Non-Proliferation Treaty from becoming a political hostage.

Simply, even with less progress than desired on article VI, there was more that united the parties than divided them. The NPT was too important to risk damaging in order to make a particular political point, whether a political point about regional politics, nuclear supply, or disarmament.

Above all, all of the parties recognized that without this treaty, every one of them would be less secure and the world a much more dangerous place.

What about the impact of the Review Conference on the future of the NPT? The final declaration contains many specific inclusions and recommendations which need to be followed up. As such, it makes a real contribution to global nonproliferation efforts.

On a broader level, however, the significance of the Review Conference lies in the fact that through the parties' unequivocal reaffirmation of support for the NPT, the treaty regime has been strengthened by this review. The debate and the results of the conference underscore the vitality of the Non-Proliferation Treaty. Momentum, also buttressed by more than a dozen new adherents to the treaty in the past few years, is with the NPT. U.S. nonproliferation and security interests are supported by this Review Conference.

Looking ahead, the United States, can work on several fronts to strengthen the effectiveness of the NPT. As I suggested, various proposals within the final declaration needs to be followed up. U.S. diplomacy can work with other countries to convince additional countries to adhere to the Treaty, building on the momentum of the review. Strong support is required for peaceful nuclear cooperation with the NPT parties.

In addition, despite the fact that the parties' vital security interests in the NPT carried the day in 1985, we cannot dismiss the great disappointment that more far-reaching results had not yet been achieved on arms limitation and disarmament. Implementation of article VI will remain a major issue. For our part, the Reagan administration will continue to negotiate flexibly and seriously in Geneva toward the goal of the eventual elimination of nuclear weapons.

Most important, by way of conclusion, Mr. Chairman, as we look to the future, we should recall the words of the Review Conference President, Mohamed Shaker. I quote, "We must build on the NPT's successes, not belittle them."

This Review Conference has reaffirmed successfully broad, international support for the Non-Proliferation Treaty. There was an honest taking stock and the NPT stood on its merits. This outcome will keep momentum behind the Treaty, and will support our nonproliferation efforts in the coming years.

Thank you.

Senator COCHRAN. Thank you very much, Ambassador Dunn.

As you began your testimony, I noticed the entrance of two distinguished visitors. I am pleased to acknowledge their presence. Ambassador Mohamed Shaker, who is Deputy Permanent Representative of Egypt to the United Nations and Mr. Benjamin Sanders, Director of the Information and Studies Branch of the United Nations Department of Disarmament Affairs. Ambassador Shaker presided over the Third Review Conference, which was recently held in Geneva, and Mr. Sanders served as Executive Secretary for the Conference.

We welcome you and extend a cordial greeting. We thank you for being here. Rather than proceeding with questions to Ambassador Dunn at this point, I would ask Secretary Boggs to proceed with his presentation, and then we would have an opportunity for questions that can be directed to both witnesses.

Secretary Boggs, you may proceed.

TESTIMONY OF DANNY J. BOGGS, DEPUTY SECRETARY, U.S. DEPARTMENT OF ENERGY

Mr. BOGGS. Thank you, Mr. Chairman and members of the subcommittee.

I would like to ask that my full statement be made a part of the record.

Senator COCHRAN. It will be included in full, and we thank you for submitting it to us in advance.

Mr. BOGGS. I will just try to summarize a number of the key points. It is a pleasure to appear before the subcommittee today to be part of your examination of the NPT Review Conference and the IAEA General Conference.

Nuclear nonproliferation is a shared concern of a vast majority of the nations of the world. They recognize that the spread of nuclear explosives to additional nations would be a seriously destabilizing factor. The two principal international barriers to proliferation are the Nuclear Non-Proliferation Treaty or NPT and the International Atomic Energy Agency or IAEA. We believe both of these institutions are strong and growing steadily stronger.

The successful NPT Review Conference, and after it, the IAEA General Conference, give me reason to believe that there is, in the world today, a widely shared view that further nuclear proliferation would be in no one's interest. I would identify for the subcommittee as one of the foremost priorities for our efforts in this area the need to work even harder in both diplomatic and international energy forums to seek to bring all nations into the nonproliferation framework. Although major steps have been taken in recent years—and I would point to China's entry into the IAEA and the large number of new NPT parties as two examples—much remains to be done.

The Reagan administration has, from the outset, recognized the importance of a strong nuclear nonproliferation policy and has fashioned a practical approach geared to delivering positive results. One of the strongest motivations supporting the worldwide nonproliferation regime is energy security. Reliable assured access to nuclear power technology is critical. We simply must take a realistic approach to this issue, especially when decisions will have major impacts on the energy programs of our closest allies.

Our policy is, therefore, based upon the need to ensure that our trading partners know what to expect from us and what we expect from them. To contribute to the nuclear nonproliferation regime, the Department of Energy is committed to providing an assured supply of uranium enrichment services to its customers operating nuclear power reactors. The Department of Energy also has worked to define realistic policies to be applied in working with friends and allies in the civilian nuclear fuel cycle. By making decisions which put the United States in a position of a valued and reliable trading partner of our close friends rather than an adversary, we are able to achieve the cooperation of these nations in expanding and strengthening the worldwide nonproliferation regime.

A key aspect of this approach is the cooperation of the advanced states of Western Europe and Japan. Like us, these countries feel strongly about the need for energy security. It is for this reason that the United States has committed to a policy of full cooperation with these advanced nations in the peaceful uses of nuclear energy under safeguards and controls which will further the achievement of our nonproliferation goals.

Energy security is also fostered by an active cooperative research program in the civil uses of nuclear energy. The Department has concluded many bilateral technical exchanges in such areas as reactor neutronics, powerplant design, radioactive waste management, nuclear safety and fuels and materials development.

In addition to technical exchanges, DOE is responsible jointly with the Department of State, for submitting proposed nuclear agreements for cooperation to the President for his review and approval. DOE has the lead responsibility for reviewing and approving nuclear technology transfers under part 810 of title 10 of the Code of Federal Regulations, and subsequent arrangements under section 131 of the Atomic Energy Act.

We also play a key role in the development of improved IAEA safeguards, techniques and equipment utilizing the detailed experience and capability of the National Laboratories.

President Reagan has characterized the proliferation problem as one of the most critical challenges before us. He has made it clear that the need to prevent the spread of nuclear weapons to additional countries is a fundamental national security and foreign policy objective.

The International Atomic Energy Agency has a key role in attaining this objective. This year, I was asked by the President to lead the U.S. delegation, and I now want to give the subcommittee a review of this most important organization. The annual General Conference is the principal policymaking organ of the Agency, open to all 112 member states. It is the forum in which major issues are addressed and it determines the operation of the agency during the ensuing year, normally based on recommendations of the 35-nation Board of Governors, or of the conference's own committees.

At the annual Conference, members decide such important matters as the Agency's budget, appointment of the Director General, and approval of IAEA safeguards agreements. Our main objectives at this year's General Conference were to focus on safeguards and other technical and operational issues relevant to IAEA programs and to reduce the amount of irrelevant political controversy. I was gratified that the conference was successful by this standard.

The outcomes of this year's Conference and associated meeting of the Board of Governors were largely businesslike and productive. The results achieved provide a sound basis for the Agency's work in the next few years. The issue of Israel's membership rights, which has preoccupied these conferences for 5 years, appears to be on the wane. An effort to deny Israel certain rights and privileges of membership was defeated. An alternative resolution, sponsored by the Scandinavian countries, reflects Israel's very forthcoming assurances that it will not attack peaceful nuclear facilities. The Israeli issue is no longer automatically on the IAEA agenda, but I would caution that this problem may continue to attract attention, and we may well have to focus on it again next year.

The General Conference gave detailed consideration to a number of issues in connection with the review of its 1984 program. IAEA safeguards are, for the United States, the agency's singlemost important activity. They are the essential technical support for the international nuclear nonproliferation regime. The expansion and enhancement of this regime is a primary objective of U.S. foreign policy. The United States was the earliest, most active and most consistent proponent of strengthening these safeguards. Recent events, I believe, have fostered a growing international consensus that safeguards must be improved, especially in non-NPT countries, and that technical assistance for safeguards, equipment and procedures, and research and development, addresses only one aspect of the need for improvement.

As an example of U.S. support, under the program for technical assistance to safeguards, we spend approximately $6 million each year to improve safeguards implementation.

We have supported a real increase in the safeguards budget for equipment procurement, for a broader designation of inspectors and support for negotiation of outstanding subsidiary arrangements. In its annual report for 1984, the IAEA concluded that it did not detect any anomaly which would indicate the diversion of a significant amount of safeguarded nuclear material. While the Agency has been experiencing increasing success in its inspection activities, there are a number of problem areas which require not only improvements within the agency, but increased support from member states. As the numbers and complexity of facilities increase, along with expanded nuclear trade, it will become increasingly important to all member states that the effectiveness and the efficiency of the IAEA safeguards activities also improve.

Another noteworthy development of the General Conference in the safeguards area was the offer by the Peoples Republic of China to place certain nuclear facilities under IAEA safeguards. In addition to China's offer, 1985 saw the first safeguards inspections carried out by the IAEA in the Soviet Union under the U.S.S.R. Voluntary Offer Agreement. We are pleased that safeguards are now being applied in the Soviet Union.

IAEA safeguards are a key program designed to detect a national diversion of peaceful nuclear activities to a military or nuclear explosive program. In this sense, they are fundamentally different in scope and purpose from states' physical protection programs, which are designed to prevent the theft or sabotage of nuclear materials by subnational groups.

The United States has strongly encouraged IAEA and member states to work together to improve these programs and to develop enhanced standards of physical protection of nuclear materials, equipment and facilities. U.S. leadership has led to an IAEA sponsored International Group of experts, which produced agreed standards designed to establish conditions minimizing the possibilities for unauthorized removal or sabotage of nuclear materials. The United States has successfully sponsored resolutions of the General Conference for universal adherence to the International Convention on the Physical Protection of Nuclear Materials. Thus far, 14 countries, including the United States, have ratified this convention and four countries ratified in the past year.

In closing, Mr. Chairman, allow me to give a perception of the international nonproliferation regime, especially as it involves the IAEA. The United States has been in the forefront of efforts over 40 years to ensure that never again should the world see the devastating powers of nuclear weapons, and that the development of the humanitarian uses of the atom should be fostered. It was from this policy that the International Atomic Energy Agency was born. The IAEA is a unique resource, and the U.S. influence in the IAEA is still formidable.

We continue to be the strongest, most technically advanced country in the world, with the largest nuclear programs. We have enormous knowledge to share with the less advanced nations. We can be effective in the IAEA only so long as this continues to be true, and only so long as others in conjunction with us, understand and accept effective nonproliferation controls.

Thank you, Mr. Chairman.

Senator **Cochran**. Thank you, Secretary Boggs.

We appreciate the statements both of you have made.

Today, of course, the entire world is looking at Geneva and wondering about the probabilities of success in the discussions between our President and the leader of the Soviet Union. I know there is a news blackout in effect there, and we are not finding out a great deal, yet, about what may or may not be the subject of an agreement or a statement that will be made at the conclusion of the discussions. But I wonder if you would agree that, generally, there has been a cooperative and constructive working relationship between the Soviet Union and the United States on the nonproliferation issue and that we may anticipate some statement being made on this subject in Geneva at the conclusion of the talks.

Ambassador Dunn.

Ambassador **Dunn**. I would comment, Senator, generally it has been the case that we have worked well with the Soviets in the nonproliferation area. We have tried to work in parallel to serve our common interests in preventing the spread of nuclear weapons. It is an area in which our ability to work well rests upon a very, very strong common interest. Neither side wants to see many countries acquiring nuclear explosives.

I think it is also an area in which, having had, now, six meetings with the Soviets on nonproliferation over the course of the last 3 years, we have built up a good working relationship. Notwithstanding whatever may or may not come out of the Geneva summit, we expect to continue these discussions with the Soviets, and we would expect that this working relationship on nonproliferation would continue.

Senator **Cochran**. Secretary Boggs.

Mr. **Boggs**. Within the IAEA context, certainly, the relationships with the safeguards regime, I think, have been very productive. As in many agencies, when the Agency has turned to discussing more political matters, our interests and our votes have diverged, but within the specific context of the safeguards, I think our relationships have been excellent.

Senator **Cochran**. Neither one of you is willing to predict, then, that a statement will be made on this subject? You are not going to give us a scoop? [Laughter.]

I wonder what your assessment is of U.S. policy at this time with respect to nuclear trade. This is not a hearing on the China agreement, but I think it is important for us to analyze and study and try to understand from time to time what our policy really is on some of these key issues. As I understand it, our current policy is that we require, as a condition precedent to nuclear trade, either the signing of the NPT or the agreement to employ or to abide by full scope safeguards and that this is required by the United States before it will engage in nuclear trade.

Is that a fair statement of our policy, Ambassador Dunn, and what is your assessment of it?

Ambassador **Dunn**. Our policy at this point is that before engaging in significant nuclear cooperation with a non-nuclear-weapons state, we require that that country have safeguards on all of its peaceful nuclear activities, so-called full-scope safeguards.

We see various ways in which a country could accept such full-scope safeguards. It could do it by a binding agreement; it could do it by joining the NPT; it could do it by joining the Treaty of Tlatelolco in Latin America. We do not, as a matter of policy, and have not over the past decade or so required adherence to the Non-Proliferation Treaty as a condition for going forward.

We have thought that there should be at least a little bit of flexibility in our ability to cooperate with nonnuclear weapon states.

Senator **Cochran**. Secretary Boggs, do you have anything that you would like to add to that?

Mr. **Boggs**. No, I think that's an excellent statement.

Senator **Cochran**. I wonder, Mr. Secretary, what your thoughts might be about how well the Congress and the executive branch are working together in the formation and implementation of nonproliferation policy and if you could identify any changes in this relationship that would improve our Government's efforts in this area?

Mr. **Boggs**. Giving advice to the Congress is always a slightly presumptious activity. I might defer somewhat to Ambassador Dunn for the broader aspects of that.

The discussions that I have had occasion to be involved in personally, and Secretary Herrington, in the hearings that he has had—while obviously there have at times been differences of opinion—I think basically they have been productive; positions have been exchanged, and activities have, in general, been able to go forward.

As I say, Ambassador Dunn may have a broader perspective on some of the things outside of strictly the energy area.

Senator **Cochran**. We mentioned the United States-Soviet cooperation in some areas relating to the nonproliferation issue. I wonder, can you identify ways in which this cooperation could be improved?

Senator **Cochran**. Ambassador Dunn.

Ambassador **Dunn**. I think it is not necessarily a question of ways in which United States-Soviet cooperation in the nonproliferation area could be improved, but of how to deal in parallel with the problems that are on the horizon. There are things that we and the Soviets, just as we and some of the other nuclear supplier countries, should be working on closely and in parallel.

For example, one of the areas that comes up, which was brought up in my testimony, has to do with convincing still other countries to join the nonproliferation treaty. This is an area where, over the past year, we have encouraged greater coordination among treaty supporters to being in new adherents, and I think that here is an area where we and the Soviets, and we and our Western European allies, we and the Japanese can try to work together more effectively to try to bring in some of the outstanding nonparties to the treaty.

Another area, for example, where we and the Soviets, and we and our Western European allies should be working together on a nonproliferation agenda, so to speak, is toughening up nuclear export controls. Over the course of the last 3 years, the administration has toughened up those export controls.

For example, under the nonproliferation treaty, there is a set of so-called nuclear trigger lists. These are lists which set out certain items which are only to be transferred under some conditions.

We have upgraded the trigger list for reprocessing technology, working with the Soviets and others. We have upgraded the trigger list for enrichment technology. We are now working on another upgrade of those trigger lists, again, working with the Soviets.

I think a third piece of the nonproliferation agenda, where we can work with the Soviets and others, has to do with the whole question of problem countries. I don't want to go into my list or your list of who is a problem country. But there are at least some countries out there that are of proliferation concern, and we ought to be trying to work in parallel, given the common interests, to deal with that.

So I think it is less a question of how can you improve United States-Soviet cooperation in the nonproliferation area, as much as it is a case of continuing to work through pieces of this agenda, based upon a habit of working in parallel, based upon what I think has been a record of pretty good cooperation.

Senator COCHRAN. I have another question, and then I am going to yield to Senator Glenn.

When we talk about our policy and its influence in the nuclear trade area, I wonder whether it does any good for us to refrain from engaging in nuclear trade until a country has either signed the treaty or agreement to full-scope safeguards, if there are other countries who are going to engage in nuclear trade without requiring that as a condition precedent. What good does our effort do?

Ambassador DUNN. I think, Senator, that it does quite a lot of good. I think what it does is it helps to set the standards which other countries look to, which other countries have to follow or not follow, but at least they know they are doing something which is different.

For example, when the United States makes the point that we should not engage in significant nuclear cooperation with other countries unless they accept full-scope safeguards, this is a position which allows us to go out into the world, argue with other nuclear suppliers that that should be their policy, and that makes it difficult for them to engage in cooperation with countries that don't accept such safeguards. Why is that important? I think it is important because one of the main dangers from a nonproliferation standpoint in the world today is the existence of unsafeguarded nuclear activity, activities where there isn't some type of international mechanism to look at the activity and say that this activity is not being used for military purposes, for nonpeaceful purposes.

So, we should highlight those unsafeguarded activities, and one way of highlighting them is by having a trade policy which says, "We won't engage in significant nuclear commerce with anyone who won't put those unsafeguarded activities under safeguards."

I think by having that policy, we influence what other countries do. That is, I think that even though we haven't been able to convince all of the major nuclear suppliers to follow our policy, because we have taken that policy there have been cases of nonproliferation concern where other suppliers have been less likely to sell, less likely to engage in what would be considered an activity which would not be good for nonproliferation.

Senator **Cochran**. Secretary Boggs, do you have any comments to add to that?

Mr. **Boggs**. I would only add that I think that the ability of the United States to engage in commerce once these thresholds have been met in terms of the safeguarding and the other policy items that he set out, is equally important. That is, if we are in a situation where even after those threshholds have been met, we cannot engage in commerce, then, of course, it does no good to the other nations to come up to that standard. So that by having a standard on the key issue of safeguards, if nations do come up to it, they will then be able to deal with us in ways that are beneficial to both countries. I think that is a key part of our policy.

Senator **Cochran**. Senator Glenn.

Senator **Glenn**. Thank you, Mr. Chairman.

Mr. Dunn, I find it a little difficult to think other nations are going to follow our lead, as you say, when we sign an agreement with the People's Republic of China that is very vague and relies on some sort of future negotiation of some kind to make the arrangements before we would make any shipments, and at the same time, I understand that we now have approved some 19 different nuclear technology transfer authorizations before we even have had a chance here in the Congress to take any action on the agreement. That doesn't look to me as though it would be very conducive to having other nations follow our lead.

Do you have any comment on that?

Ambassador **Dunn**. I would comment that in the case of the China agreement, Senator, as we negotiated this agreement with the Chinese, the whole question of nonproliferation and the whole question of the types of behavior that the Chinese should follow in the international nuclear realm was a key consideration. It was a consideration that we made clear, not only to the Chinese, but as we talked to other nuclear suppliers.

I think the fact that we made clear to the Chinese and we made clear to other nuclear suppliers how important it was to us to be able to clarify some of these nonproliferation questions, led other nuclear suppliers to raise those same questions with the Chinese.

So, in that sense, I believe that we did take the lead in the Chinese agreement, and we did take the lead in trying to move the Chinese, as we have moved them, toward the types of nonproliferation norms that both you and I believe are necessary.

Senator **Glenn**. The Chinese did not agree with our interpretation of what was said at those meetings. They haven't publicly agreed with what we said.

Ambassador **Dunn**. My sense of the Chinese, Senator, is that in the course of the last 2 years, the Chinese have moved to accept the two most important obligations for nuclear weapon states in the nonproliferation treaty: Not to assist any other country to acquire nuclear explosives, and to require IAEA safeguards under exports. Moreover, it is my understanding, having participated in the last rounds of meetings dealing with the Chinese, that when we say not to assist and they say not to assist, we both understand it in the same basic way.

Senator **Glenn**. I know. But how do we verify that?

Ambassador **Dunn**. In terms of the Chinese not assisting other countries out in the world to acquire nuclear explosives, we verify it in much the same way that we verify the commitment of other nuclear weapons states and other states not to assist, by watching what goes on in the world.

Senator **Glenn**. We have not even negotiated a right to visit it yet, to see whether our material will stay in place in China. It may be transshipped to another third party. We don't even have that in place yet.

Ambassador **Dunn**. The procedure for visits deals with the type of verification procedures we have in China concerning use of our exports not with how do we verify the fact that the Chinese are not assisting other countries to acquired nuclear explosives as they said they will not.

It is the forever case that we will negotiate; we will work and sit down with the Chinese to arrange visits and exchanges of information. You are correct, Senator, that this has not yet been done. It will be done.

Senator **Glenn**. Yet I understand that it was reported in one of the nuclear magazines or papers, Nucleonics Weekly, that we have already approved 19 shipments of technology, so far, and we don't even have our arrangements for following up on that. Congress is being ignored. Our nose is really being rubbed in it, I can guarantee you that. That is my feeling.

Our 90-day period hasn't even run out yet, and already you are approving shipments of it. That shows what the administration thinks of Congress in this area.

Ambassador **Dunn**. Senator, we have not approved shipments under the agreement for cooperation, and, of course, will not approve shipments under the agreement for cooperation until, first, the agreement comes into force, and, second, if the agreement does come into force, we sit down with the Chinese and work out suitable procedures for visits and exchanges of information that provide us with the measure of assurance necessary that anything that we provide under the agreement will not be misused.

Senator **Glenn**. Was that report wrong, then?

Ambassador **Dunn**. It is the case that, as I understand it, that there have been items approved, but not under the agreement. There are certain technology items which can be approved under different regulations and which do not require an agreement for cooperation to be exported.

Mr. **Boggs**. Senator, if I could perhaps provide what I understand to be a bit of background on this, there have been 19 petitions—I don't know if petitions is the right word—or approvals granted under 10 CFR part 810, as I referred to in my statement.

These are not necessarily shipment of any particular items. Some may well be; the majority are for consulting services or assistance. These are under a set of regulations which are not necessarily tied to this particular agreement. Part 810 applications for China have been granted in the past, even before these negotiations were entered into.

There were 27 requests for specific authorization pending. Nineteen were processed and granted under the requirements that are set out for those requests.

So, it is simply not the case that those are in some way part of this agreement for cooperation, or are thwarting congressional action.

Senator GLENN. Maybe I misunderstood you. Are you saying these types of things that have been requested would have been approved regardless of whether there was a United States-China agreement or not? Because they may include hardware, not just technology. Westinghouse is involved with shipping some of this stuff.

Mr. BOGGS. Each of the 27 that were pending and one of the ones that were granted, as well as the ones that have been granted in the past, would have its own particular situation, and I don't have those details at my fingertips, although we could submit them for the record.

But in terms of the legal circumstances under which they were granted, obviously, they are not bound or required by this agreement for cooperation, because as you indicated, it hasn't entered into course. I would be happy to submit details on that for the record.

Senator GLENN. All right. Fine. I am sure we would like to have it.

[The information referred to follows:]

The statutory basis of the technology transfer requests recently approved in section 57(b) of the Atomic Energy Act, which is implemented by regulation 10 CFR Part 810, "Unclassified Activities in Foreign Atomic Energy Programs." This regulation establishes a requirement for specific authorization by the Secretary of Energy—with concurrence by the State Department—for certain activities by U.S. persons in specified foreign nuclear programs. The 19 authorizations involving China recently granted by Secretary Herrington were processed under this regulation.

The processing of 10 CFR Part 810 requests is separate and distinct from Congressional review of agreements for bilateral nuclear cooperation. The presence of an agreement for cooperation is not a condition for granting a specific authorization under 10 CFR Part 810, and is but one of several factors considered pursuant to §810.8(b).

The authorizations involving China granted in September do not involve sensitive nuclear technology or requests involving foreign licensee exports of component technology that would require a consummated agreement for cooperation if exported directly from the United States.

The majority of these authorizations permit the applicants to provide nonsensitive planning, architect-engineering, training or construction consulting services to the Chinese peaceful nuclear power program, currently in the early planning or construction phases. The authorizations would also permit U.S. firms to provide safety-related instrumentation of the type required in our power reactors as a result of the Three Mile Island accident and manufacturing "know-how", and would allow our industry to enter into related joint-venture or licensee relationships.

Senator GLENN. Why is the administration opposed to my legislation, when it is so simple? All it required was Presidential verification that the agreements that we say will be worked out, in fact, are worked out before shipments are made, and the administration came out foursquare against that and just fought me tooth and toenail and got a watered-down version through the Senate Foreign Relations Committee, which is better than nothing, but that is about all I can say about it.

My legislation was so very simple. It just said that the President will verify to us, will certify to us, was the language, that these things have been agreed to, and that these safeguards arrangements are, in fact, in place before we make shipments. Why on Earth, did you oppose that?

Ambassador DUNN. We believe, Senator, that the legislative changes that you are proposing are unnecessary and that they would disrupt the effort that we have been undertaking for the better part of 2 years, 3 years, to move the Chinese from being a part of the nonproliferation problem to being a part of the nonproliferation solution.

For example, one of the items would have required us, as you well know, to go back to the Chinese.

Senator GLENN. No, it would not have required any renegotiation of the agreement, but go ahead.

Ambassador DUNN. This item would require us to get the Chinese to certify in writing, to state in writing what their nonproliferation policy was and to have their policy signed by them. We believe that we have had discussions with the Chinese; that we do have a meeting of minds on what it means not to assist other countries to require nuclear explosives. We will, of course, watch what the Chinese do. But from our perspective, the key consideration was that over the course of 3 years, the Chinese have moved. They have moved a tremendous way.

There are still parts of Chinese policy which are discomforting when they say that they will not join the nonproliferation treaty; when they criticize the nonproliferation treaty. But the Chinese have now moved, as I suggested earlier, to accept key nonproliferation norms. We will watch that, and I think that again is what we have kept our eye on all along. We have been concerned that the legislative proposals that you suggested not only would have been unnecessary, but they would have disrupted that gain.

Senator GLENN. I would remind you that it has been—that the Chinese policy in past years, has been to proliferate. They favored that. They made statements. I won't read them here, but I have this in my statement, when I put it in the Congressional Record when I introduced the legislation.

It was their policy. They said it was fine. They said as long as it was a socialist state, it was fine for all of them to get nuclear weapons, and they advocated that policy.

They only changed that once we were into negotiations in January of last year, it was when they first came around and said, "It is our policy not to proliferate." They have gone through two convolutions of government there. You can say one thing about the Chinese, though, if they sign an agreement, they usually live up to it. That has been their political stature in the world, and most nations look at them that way. But they have gone through two convolutions of government, two revolutions, this just over a few years time. I think just to ask them to say "yes" or "no," this is our policy, so we can rely on it, it seems to me is a pretty small price to ask.

Otherwise, we are saying that we don't want to bother. We don't want to ruffle their feathers here by asking them if this is what they really, honestly mean and are willing to say so before the whole world. All we have is one statement made in one speech someplace that says it is now not their policy to proliferate. We are hanging our hat completely on that after we know what happened in Pakistan and some other places, where the Chinese were doing some of the things that we did not like.

That seems to me a pretty small price to pay. That is why I felt pretty strongly about this. What we asked for was Presidential certification. If the administration truly believes exactly what you just told me, that we can now rely on the Chinese, all we wanted, all I asked for, was that the President certify that he has a written statement and that, based on it, he feels that we can rely on them not to proliferate. That does not require going back to the Chinese to change the agreement. If the President cannot certify to Congress, that little level of confidence in the Chinese, then we had better be holding up on this whole thing, I guarantee it. That is my view of it. That is the reason I was so surprised when the administration came down foursquare against this.

Mr. Boggs, on page 3 of your testimony, you point to China's entry into the IAEA and the new entry of NPT parties as a success in bringing all nations into the nonproliferation framework. I know these nations coming in break down into different categories sometimes. Can you tell us when the last time was that a country capable of developing atomic weapons signed the NPT?

Mr. **Boggs**. I can't. Ambassador Dunn may have that information.

Ambassador **Dunn**. The Government of Egypt ratified the NPT in 1981, and I think one would have to say that in theory if the Government of Egypt were to put its mind to it over a period of time, and there is no evidence of any such interest, it may have the capability eventually to make nuclear weapons.

Senator **Glenn**. We were looking back over some records. We probably figured Switzerland. No one would doubt they could develop a weapon if they wanted to, and they signed up in 1977.

Mr. Boggs, in your testimony, too, on page 5 of your testimony, you have a policy statement that says, and I quote:

> The United States should not seek to inhibit or set back reprocessing and the use of plutonium in civil programs of of countries with advanced nuclear programs imposing no proliferation risk provided these occur under certain strict nonproliferation conditions or controls.

When you say "advanced nuclear programs," are we saying that those are weapon states, only?

Mr. **Boggs**. No, sir.

Senator **Glenn**. We are saying, then, it is OK to—that we don't want to inhibit, or set back reprocessing, or the use of plutonium in other states, too, whether they are weapon states or not?

Mr. **Boggs**. Provided that the other qualifications in the statement are met.

Senator **Glenn**. This would appear to be a change. The reason I called it a policy statement a moment ago, I figured it was. Because the original statement President Reagan made in announcing his nuclear nonproliferation policy in 1981 said, and I quote:

> The administration will also not inhibit or not set back civil reprocessing and breeder reactor development abroad in the nations with advanced nuclear power programs where it does not constitute proliferation risk.

Now, the two things in your statement, first, where the President only mentioned broader reactor development abroad, you mention use of plutonium in civil programs. If I interpret this correctly, I take this to mean that the administration is now announcing that the administration has no objection whatever to the use of plutonium in light water reactors, for example, under certain conditions. Is that correct? That is a major change, if it is.

Mr. BOGGS. It was certainly not my intention to make a major change. The language was cleared through the usual interagency process.

Senator GLENN. The President restricted his statement, of course, and his statement of nonproliferation policy says: "set back civil reprocessing and breeder reactor development abroad." That is very limited from the statement you made this morning.

Ambassador DUNN. Senator, if I may, I don't believe that is a major change of administration policy. The administration has been of the view for many years that the United States had to recognize that out in the world, there was going to be some use of plutonium and some reprocessing of spent fuel. What we had to do, consequently, was to try to influence this use of plutonium and this reprocessing so that it would take place in ways that would be safer rather than less safe, in ways that it had tight safeguards, good physical security. Thus, for example, we have been working with other countries to try to ensure that type of safeguards, that type of physical security.

But we have also recognized that we cannot prevent the use of plutonium in certain places.

At the same time, we recognize that plutonium is dangerous, and there are other places where we are not going to be prepared to agree to reprocessing and the use of plutonium. So I do not see it as a major change.

Senator GLENN. What I have advocated throughout the years is that the United States take the lead in not advocating plutonium use, because it is so easy for a little bit of plutonium, if it gets out some place, to be put into weapons.

We are all aware of that. That is the reason why I felt, in your testimony also, you said that you thought your civil plutonium, civil-use plutonium, policies were realistic. I think what we are saying is, it is not realistic, because plutonium use is not economic unless the price of uranium goes sky high compared to what it is now. We have actually a glut of uranium on the market. The price has really gone way down. There is really no need to push plutoniun into the world market.

It is not weapon states only, as you say. So we are, in effect, pushing these things. Or, if we are not pushing them, we are certainly acquiescing in them, where we should be taking the lead in preventing them.

Mr. BOGGS. Senator, I can only say two things to that. One is I think we are certainly not pushing the use of it. But in some of these circumstances, we recognize that whatever the United States does, countries may be able to proceed with this. If we take the position that there is no way, even under the strict safeguards that we impose, which are, in most cases, stricter than the other countries, for them to deal with the United States in this way, it seems to me that it sets back rather than enhances the overall outcome in terms of the restrictions on these activities.

I would like to note for the record that the Presidential statement says: "We will not attempt to inhibit or set back civil reprocessing and breeder reactor development," which I would view as meaning two different things. There is certainly no attempt, other than to paraphrase the statement that the President made, referring both to civil reprocessing and to breeder reactor development.

[The information referred to follows:]

THE WHITE HOUSE

Office of the Press Secretary

FOR RELEASE AT CONCLUSION OF THE BRIEFING, EXPECTED ABOUT 10:30 am

JULY 16, 1981

STATEMENT BY THE PRESIDENT

Our nation faces major challenges in international affairs. One of the most critical is the need to prevent the spread of nuclear explosives to additional countries. Further proliferation would pose a severe threat to international peace, regional and global stability, and the security interests of the United States and other countries. Our nation has been committed on a bipartisan basis to preventing the spread of nuclear explosives from the birth of the atomic age over 35 years ago. This commitment is shared by the vast majority of other countries. The urgency of this task has been highlighted by the ominous events in the Middle East.

The problem of reducing the risks of nuclear proliferation has many aspects and we need an integrated approach to deal with it effectively. In the final analysis, the success of our efforts depends on our ability to improve regional and global stability and reduce those motivations that can drive countries toward nuclear explosives. This calls for a strong and dependable United States, vibrant alliances and improved relations with others, and a dedication to those tasks that are vital for a stable world order.

I am announcing today a policy framework that reinforces the longstanding objectives of our nation in non-proliferation and includes a number of basic guidelines.

The United States will:

- Seek to prevent the spread of nuclear explosives to additional countries as a fundamental national security and foreign policy objective.
- Strive to reduce the motivation for acquiring nuclear explosives by working to improve regional and global stability and to promote understanding of the legitimate security concerns of other states.
- Continue to support adherence to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) by countries that have not accepted those treaties.
- View a material violation of these treaties or an international safeguards agreement as having profound consequences for international order and United States bilateral relations, and also view any nuclear explosion by a non-nuclear-weapon state with grave concern.

- Strongly support and continue to work with other nations to strengthen the International Atomic Energy Agency to provide for an improved international safeguards regime.

- Seek to work more effectively with other countries to forge agreement on measures for combatting the risks of proliferation.

- Continue to inhibit the transfer of sensitive nuclear material, equipment and technology, particularly where the danger of proliferation demands, and to seek agreement on requiring IAEA safeguards on all nuclear activities in a non-nuclear-weapon state as a condition for any significant new nuclear supply commitment.

I am also announcing that I will promptly seek the Senate's advice and consent to ratification of Protocol I of the Treaty of Tlatelolco.

The United States will cooperate with other nations in the peaceful uses of nuclear energy, including civil nuclear programs to meet their energy security needs, under a regime of adequate safeguards and controls. Many friends and allies of the United States have a strong interest in nuclear power and have, during recent years, lost confidence in the ability of our nation to recognize their needs.

We must re-establish this nation as a predictable and reliable partner for peaceful nuclear cooperation under adequate safeguards. This is essential to our non-proliferation goals. If we are not such a partner, other countries will tend to go their own ways and our influence will diminish. This would reduce our effectiveness in gaining the support we need to deal with proliferation problems.

To attain this objective, I am:

- Instructing the Executive Branch agencies to undertake immediate efforts to ensure expeditious action on export requests and approval requests under agreements for peaceful nuclear cooperation where the necessary statutory requirements are met.

- Requesting that the Nuclear Regulatory Commission act expeditiously on these matters.

The Administration will also not inhibit or setback civil reprocessing and breeder reactor development abroad in nations with advanced nuclear power programs where it does not constitute a proliferation risk.

The United States will support IAEA programs and other international cooperative efforts in the areas of nuclear safety and environmentally sound nuclear waste management.

To carry out these policies, I am instructing the Secretary of State, working with the other responsible agencies, to give priority attention to efforts to reduce proliferation risks, to enhance the international non-proliferation regime and, consistent with United States security interests, to re-establish a leadership role for the United States in international nuclear affairs.

THE WHITE HOUSE

Office of the Press Secretary

FOR RELEASE AT CONCLUSION OF
THE BRIEFING, EXPECTED ABOUT 10:30 am

JULY 16, 1981

FACT SHEET

UNITED STATES NON-PROLIFERATION AND PEACEFUL NUCLEAR COOPERATION POLICY

The President's statement today sets forth the basic elements of the Administration's policy on nuclear non-proliferation and peaceful nuclear cooperation.

Preventing the spread of nuclear explosives to additional countries remains a fundamental objective of the United States.

The President's statement reflects continuity in U.S. non-proliferation policy objectives for over three decades. It marks a shift in emphasis from the approach of the previous Administration, however, on how best to achieve these objectives. The Administration will seek to pursue non-proliferation more effectively by placing greater emphasis on:

- the need to improve regional and global stability and to reduce motivations that can move countries toward nuclear explosives;
- international cooperation as an essential part of strengthening the international non-proliferation regime; and
- the need to restore the U.S. as a reliable nuclear supplier under an effective regime of safeguards and non-proliferation controls.

Policy Guidelines

The President announced several policy guidelines.

1. The United States will seek to prevent the spread of nuclear explosives to additional countries as a fundamental national security and foreign policy objective.

As noted in the President's statement, further proliferation of nuclear explosives would pose a severe threat to international peace, regional and global stability, and the security interests of the United States and other countries.

2. The United States will strive to reduce the motivation for acquiring nuclear explosives by working to improve regional and global stability and to promote understanding of the legitimate security concerns of other states.

This shift in emphasis from the previous Administration means that increased recognition will be given to the fact that proliferation is an international political and security problem, and not just a matter of controls on the civil nuclear fuel cycle. The Administration will consider the range of U.S. diplomatic, economic and national security tools to reduce the motivations of other nations to develop nuclear explosives.

3. The United States will continue to support adherence to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) by countries that have not accepted those treaties.

These treaties are major cornerstones in the international non-proliferation regime. The President also announced that the Administration will promptly seek the Senate's advice and consent to ratification of Protocol I of the Treaty Tlatelolco. This Protocol calls on nations outside the treaty zone to apply the denuclearization provisions of the treaty to their territories in the zone. It has been ratified by the United Kingdom and the Netherlands.

The United States ratified Protocol II to the Treaty of Tlatelolco in 1971. Protocol II basically calls upon nuclear-weapon states to respect the denuclearized status of the zone, not to contribute to violations of the treaty, and not to use or threaten to use nuclear weapons against parties to the treaty in the Latin American region. It has also been ratified by France, the United Kingdom, the People's Republic of China, and the Soviet Union.

4. The United States will view a material violation of these treaties or an international safeguards agreement as having profound consequences for international order and United States bilateral relations, and also view any nuclear explosion by a non-nuclear-weapon state with grave concern.

This represents a concern shared by the responsible members of the international community and underlines the gravity of United States concern. The Administration will work diligently with other countries to prevent such violations or nuclear explosions from taking place.

5. The United States will strongly support and continue to work with other nations to strengthen the International Atomic Energy Agency to provide for an improved international safeguards regime.

This reinforces the commitment of the United States to maintaining and strengthening IAEA safeguards and increased safeguards efforts. This is vital to have effective non-proliferation and nuclear cooperation policies, particularly as the magnitude and sensitivity of the IAEA tasks are increasing. The Administration will support the development by the IAEA of improved safeguards techniques, procedures and instrumentation, especially those needed for the larger and more sophisticated nuclear facilities that are likely to be deployed in the coming years.

The Administration will continue to support efforts under the auspices of the IAEA to develop effective regimes for international plutonium storage and improved cooperation in spent fuel management. It will also support the continuing work of the Committee on Assurance of Supply under IAEA auspices.

6. The United States will seek to work more effectively with other countries to forge agreement on measures for combatting the risks of proliferation.

To fulfill this objective the Administration will work actively with other nations to seek uniform non-proliferation conditions for nuclear supply. In particular, the Administration will work to prevent transfers to non-nuclear-weapon states of any significant nuclear material, equipment or technology that would not be subject to IAEA safeguards and to satisfy the following policy guideline.

7. The United States will continue to inhibit the transfer of sensitive nuclear material, equipment and technology, particularly where the danger of proliferation demands, and to seek agreement on requiring IAEA safeguards on all nuclear activities in a non-nuclear-weapon state as a condition for any significant new nuclear supply commitment.

As with the preceding guideline, the Administration will undertake concentrated efforts with other countries to fulfill this objective.

Enhanced Nuclear Cooperation

The President's statement also stresses the long-standing interest of the United States in cooperating with other nations in the peaceful uses of nuclear energy, under a regime of peaceful nuclear cooperation agreements and effective safeguards and controls. As the President's statement notes, many friends and allies of the United States have a strong interest in nuclear power and have, in recent years, lost confidence in the ability of our nation to recognize their needs. We need to restore confidence, trust, and mutual understanding in the field of international nuclear cooperation within the framework of effective safeguards and controls.

To accomplish this, the President's statement sets forth the objective of re-establishing the United States as a predictable and reliable partner for peaceful nuclear cooperation under effective safeguards. It notes a key reason for this position. If other countries go their own ways, United States influence will be diminished and its effectiveness in gaining the necessary support to deal with proliferation problems will be reduced.

To attain the objective of reliable and predictable supply, the President has:

1. Instructed the Executive Branch agencies to undertake immediate efforts to ensure expeditious action on export requests and approval requests

under agreements for peaceful nuclear cooperation, where the necessary statutory requirements are met.

The Administration will also normally authorize retransfers of nuclear material or equipment that precede use in reactors by the time an export license is issued.

2. *Requested that the Nuclear Regulatory Commission act expeditiously on these matters.*

In addition, the President announced that the Administration will not inhibit or setback civil reprocessing and breeder reactor development abroad in nations with advanced nuclear power programs where it does not constitute a proliferation risk. This also marks a shift from the approach of the previous Administration.

The President's announcement reinforces U.S. support for IAEA programs and other international cooperative efforts in the areas of nuclear safety and environmentally sound nuclear waste management. This will include support for the negotiation of a multilateral convention on nuclear safety cooperation and mutual emergency assistance; strengthened international cooperation in environmentally sound waste management; effective physical protection of nuclear material, including wide adherence to the Convention on the Physical Protection of Nuclear Material; and improved security measures for international transport of plutonium and highly enriched uranium. The Administration will also encourage the substitution of lower enriched fuels in research reactors at the earliest possible date.

The President has instructed the Secretary of State, working with the other responsible agencies, to give priority attention to efforts to reduce proliferation risks, to enhance the international non-proliferation regime and, consistent with United States security interests, to re-establish a leadership role for the United States in international nuclear affairs.

Under this mandate a number of reviews will be carried out. These include reviews of:

-- approaches for dealing with non-proliferation and nuclear cooperation issues in specific cases;

-- what steps might be appropriate, consistent with United States non-proliferation objectives, to facilitate or remove unnecessary impediments to commercial relations in the field of nuclear energy;

-- applicable laws, regulations and procedures to determine whether changes should be sought; and

-- possible approaches to develop a more predictable policy for exercising United States rights to approve reprocessing and plutonium use.

Senator **Glenn**. I think on the use of plutonium, where, in the past, our policy has been that we may want to provide some special benefit for Euratom and Japan on plutonium use, but not necessarily for anyone else. That was explained in the President's policy by the Department of State on August 26, 1982.

I would submit by expanding this to all the advanced states of Europe, you are going outside the Euratom boundary, and I don't see us preventing a substantial increase in the international traffic involving plutonium if this is to be our policy.

Ambassador **Dunn**. Senator, if I could comment briefly. My own staff has looked into the question of how much spent fuel is out there in the world that is going to be reprocessed. Our estimate is that there is about 200,000 tons of spent fuel that already is contracted; that people have signed up to have reprocessed.

We have also looked at the question of what type of consent rights, what type of influence does the United States have over this spent fuel that is out there, going to be reprocessed, signed up to be reprocessed. What we find is that there is a situation in which, to use kind of a rough calculation, we control about 25 percent of that plutonium, spent fuel. Twenty-five percent, we can't tell who controls it, and about 50 percent of this material that is already out there going to be reprocessed, we don't control. So, as we look at it, it is a situation in which what we have to do is to somehow influence how that process takes place. We have to recognize that we cannot prevent that 50 percent from being reprocessed and from being used, but we can, if we work closely with some of the countries which are going to be using this, we can influence the safeguards. We also can influence the physical security so we can have the type of physical security over shipments of this material so that we don't have the types of dangers that you are pointing to, that we are concerned about, that we work to prevent.

I think it is less a case of our encouraging plutonium, less a case of our pushing plutonium, than it is a case of recognizing that, for better or worse, some plutonium is going to be used as civilian fuel, and we have to work to make that use as safe as possible, to minimize the proliferation risk, the physical security risk. We can do it better working with countries like Japan and Euratom and Switzerland, working with them rather than not working with them.

Senator **Glenn**. I have been very concerned about this matter for a long, long time, and I have had the feeling that this administration has been cutting the props out from under us. You talk about Americans being influential around the world and letting our products go and business people be involved. This was the basic argument, this was the basic debate that we spent about 6 or 7 months debating back in 1978 as to whether it would be better to encourage American business, go all over the world, get involved, and through that, then, we would have some control through our business people and all as to what happened.

We would have American business pushing nuclear energy all over the world. Or would we go the other route? Would we go with a Government-to-Government arrangement that tried to inhibit this flow of special nuclear material around the world in this time period, and we realized it was probably a 10 to 15 year time period was all the gap we had, for us to set up alternative fuel arrangements.

One was to negotiate with the Soviets and try to get levels of weaponry down, and the other was to prevent the spread of weapons to more and more countries while we tried to negotiate with the Soviets.

Now, knowing how information and technology flows around the world, that may have been a futile gesture over the long run, but the when thing was not futile, because it takes very specialized equipment for reprocessing and for plutonium and uranium enrichment.

There are only about five or six countries that have that equipment or can make that equipment that is that technical and that specialized. We felt in this interim period, if we could take the lead and we could encourage those other nations to follow our lead, that we could maybe hold, we could stem the tide on this proliferation of nuclear weapons around the world in this interim period while we tried to get some discussion going with the Soviets.

NPT was part of that. IAEA is part of that. We promised the people under NPT, of course, that we would cooperate with them in the peaceful uses of nuclear energy, that was their incentive for signing up.

Some of the natives were restless, as we have said, before this last NPT meeting. There was even talk of some of them jumping the ship. I am glad they didn't. I am glad there is success in the effort. To bring it back to this administration, my opening statement, which I went through rapidly here, we have a dozen examples here, where I feel the administration has cut the props right out from under us on our efforts to prevent proliferation around the world, approving sales and third-party transfers and things like that there are in my statement there that I would be glad to give you a copy of.

I just think that the whole thing is coming unraveled. Obviously, the administration prefers the sure business approach without adequate controls the original approach that we turned down. The basis in law right now that the administration is supposed to be adhering to, the Nuclear Non-proliferation Act of 1978, tries to inhibit that kind of unregulated flow.

I have had the feeling for some time that we are having the props cut right out from under us. I don't like it, and I think it's the wrong policy, but let me get back to another statement here unless you wish to respond to that.

Is it the policy to push American business around the world now in the nuclear field? I will ask that.

Ambassador DUNN. I would say that the China agreement and the negotiations through the China agreement, in my mind, Senator, demonstrate that we are fully prepared, if we cannot have our nonproliferation requirements met, not to do business. The President held up the China agreement for a full year while he waited until we resolved satisfactorily our nonproliferation concerns.

Now, maybe we can sit here, and we can discuss the text of the agreement and we can ask, "Is the text as good as it should have been? Is the text as precise as it could have been?"

Senator GLENN. On Chinese nonproliferation policy, the text was our text. The text was not the text the Chinese said was said. The text was our text, not theirs.

All I am saying is let them agree to our text, and I would be happy.

Ambassador DUNN. I meant, Senator, the text of the agreement in April 1984. Now we let the text sit there until a full year, until we resolved our concerns on nonproliferation in discussions with the Chinese. We held up until it was clear when they said they would not assist anyone else to make nuclear explosions, that they would not do the same types of things that our other European allies could not do. I think in the course of that year, in the discussions that we had, in the final discussions in Bejing in June, when we went for 2 days with the Chinese telling us what their policy was, one time after the next, it is clear that they would——

Senator GLENN. Is the President happy with this arrangement, then?

Ambassador DUNN. If we had not been of the view that the arrangement met the law and of the view that the agreement rested on a common approach to nonproliferation, and the Chinese know full well that if they act in ways inconsistent with their assurances, we won't cooperate, the President wouldn't have sent it forward.

Senator GLENN. You are telling me before any shipments will be made, we will be happy with the arrangements that are going to be made and that the Chinese are going to live up to it, right?

Ambassador DUNN. I am telling you before shipments are made, we will be happy with the procedures for visits and exchanges of information that we have set up. I am telling you that the Chinese have made certain assurances, and, if in the future, the Chinese act in ways inconsistent with those assurances, we have made clear to them that we will not go forward and cooperate. We are not required to export.

Senator GLENN. What on earth is wrong with the President being able to certify to the Congress that that is the case? That is all my legislation asks. It didn't say go back and negotiate the agreement. The President will certify that these arrangements have been made satisfactorily, that is all.

Ambassador DUNN. Let me read the text of your proposal: "The President must certify that the Government of the People's Republic of China has provided a public detailed written description of its nonproliferation policies and those policies correspond in all essential elements and details to the description of such policies contained in the Department of State document."

Senator GLENN. All I have said to the administration repeatedly is if the Chinese will just say that, "Yes, they agree with our memorandum of those talks," that is all that would be required. That doesn't require reopening anything.

Ambassador DUNN. We said when we have testified, we have made clear that the Chinese have said that this memorandum reflects their policies.

Senator GLENN. OK.

Mr. BOGGS. Senator, if I could add a point, you had begun on the business point. I would only add that provided that our proliferation concerns and requirements of law are met, would we rather than American companies get a particular piece of business than foreign countries? The answer is definitely yes.

Senator GLENN. Under the proper——

Mr. BOGGS. Under the policies and laws of the country.

Senator GLENN. Of course, and I have said that, too, but I have insisted on such things as safeguards and NPI membership and other things, and I hope that all these nations, supplier nations, would follow our lead as outlined in the NNPA.

Let me ask another question here. A high-level official of our Government held a press conference not too long ago in which the subject of Israel not signing the NPT and not attending discussions of the IAEA came up. Here is what he said:

> I haven't given much thought to that particular question there. The subject of not signing that treaty or, on the other hand, how many countries do we know that have signed that are very possibly going ahead with nuclear weapons. It is, again, something that doesn't lend itself to verification.

Do you share that kind of pessimism?

Ambassador DUNN. I don't share that kind of pessimism. We have, on a number of occasions, raised the matter of NPT adherence with the Government of Israel and at high levels. As to the activities of countries that are under the treaty, I believe that the countries that have signed the treaty for the most part, for the greatest and central part, take this treaty very seriously.

I believe that this treaty provides a very, very important constraint on countries that have signed it. It makes it much more difficult for them to decide, should the situation ever change, that they would want to require nuclear weapons. So I think that treaty does have a major impact upon the behavior of the countries that have signed it. I am not that pessimistic.

Senator GLENN. That statement is a quote from President Reagan's press conference. Granted, it was about 4 years ago. It was in 1981. Obviously, I hope his views have changed from some of his earlier pronouncements.

Back at that time, when he was asked about it, the President said he believed that the United States should not stand in the way of foreign countries that wanted to develop their own nuclear weapons. His quote was, "I just don't think it is any of our business." That was back in 1981, also. Then as late as 1983, though, the President said, "I think we are pretty well on our way to, if not entirely eliminating, nuclear proliferation, holding it down to where a country might have a weapon or two, but they are not going to have enough to threaten the world."

I would ask you, is that our policy as expressed by the President back then, that if a nation just has one or two nuclear weapons, we don't consider that a problem?

Ambassador DUNN. Our policy is to prevent the spread of nuclear weapons and to work to prevent the spread of nuclear weapons. As I said in the beginning of our testimony, we have worked on several fronts, and we have worked vigorously to do this.

Senator GLENN. Did you consider that proliferation objectives are being met if nation after nation were to get just one or two nuclear weapons each?

Ambassador DUNN. No, I do not, Senator, but I am also not going to predict, as I look into the future for the next 10, 20, 30, 40 years, that we will succeed in preventing every additional country from acquiring nuclear explosives.

Senator GLENN. I agree with that.

Ambassador DUNN. I believe that we can do very well. I believe that we have been working very hard, both in this administration as in the past, to prevent the spread of nuclear weapons, but I am also not suggesting that from henceforth on, we will never have another country which will acquire any sort of a nuclear explosive capability. But we work very hard on a day-to-day basis. The President takes this policy very seriously, and we implement this policy. So far, I think we have done it quite well.

Senator GLENN. Is it your opinion that the President has changed his mind on nuclear proliferation since you have been in office?

Ambassador DUNN. All I can say, Senator, based upon what I know of the President, is he thinks this is a very important area. He takes it very seriously. He has taken a tough stand on nonproliferation. He has gotten himself involved, for example, on the whole question of full-scope safeguards, something you have thought of as important, as we think of it as important. He has raised this with other leaders. He has pushed the effort to try to convince other nuclear suppliers to agree to a full-scope safeguards policy.

Senator GLENN. Is your opinion that the President does think it is our business, then, to be involved with nonproliferation?

Ambassador DUNN. It is my opinion that the President thinks this is a very serious area of foreign policy and that we have to work hard to prevent the further spread of nuclear weapons.

Senator GLENN. I am glad you think that. And I hope that is correct, and I am sure it is. That is a real change from his previous attitude on this.

Mr. Boggs.

Mr. BOGGS. I think it is worth putting on the record that certainly, compared to the projections and predictions that were being made by many people in all sorts of high offices 10 or 15 years ago as to what the situation would be today, that as a result of the efforts, not only of this administration, but of previous administrations, the proliferation picture today has far fewer countries with nuclear weapons than might have been thought a number of years ago.

I would fully concur with Ambassador Dunn's statements that there is no reason to rest on our laurels, and we certainly have a large job ahead of us, but I think it is at least worth nothing that.

Senator GLENN. The reason I am so concerned about the timeframe here, and I know you have been very patient here, Mr. Chairman.

Senator COCHRAN. About 30 minutes of patience.

Senator GLENN. About 30 minutes of patience, and I am ending very quickly here.

One reason I think there are some real concerns here, is that as long as the means of getting nuclear explosive material, is through reprocessing or complicated enrichment schemes, I felt we had a way of controlling this that might be viable for a few years at least until we get to laser isotope separation, or other chemical processes of separation, that may take this commonplace enough that there just will not be any way to keep it under control. That is the reason I think we are on a real short fuse here as far as making sure we keep control of this before many more nations get nuclear capability.

Mr. Chairman, with regard to your original line of questioning here, and comments, let me just add one thing. You are talking about our agreements with the Soviets. I thought it was an excellent line of comment and question, but one thing about the Soviets is they have not been the proliferators. It has been the free world, and the free market that has sent this stuff around the world. The Soviets, by and large, have held their technology and their equipment very close. They may be doing that for their own self-interest, of course. If they let this technology and equipment get off in some of their buffer states and some of their subjugated nations, if you will, it might come back to haunt them. They are not being completely altruistic in holding back on this kind of technology and equipment.

But, by and large, the Soviet Union has not been the proliferation source. It has been the free nations of the world that want to do business and the free nations of the world that, quite properly, have freedom of information and freedom of technical information and science. So I just thought that was good to add to the record here, because I don't think they have been the main problem area. It has been the free world, where we, I hope, would be able to take a stronger leadership position than we have.

Thank you, Mr. Chairman.

Senator COCHRAN. As I understand the timetable in 1990, there will be another review conference, and a decision will have to be made about whether or not to extend the life of the treaty by 1995. What is your assessment about the impact that progress in disarmament among the superpowers will have on our ability to extend the life of this treaty?

Ambassador DUNN. I think, Senator, that progress in the arms limitation and disarmament field is, first, desirable for its own sake. As the President has made clear, we are committed to deep reductions of nuclear weapons. We believe that we need to get on in moving toward an elimination of those weapons. To the extent that we can make progress on that front, to the extent that we can begin to move toward the reductions of nuclear weapons that we seek, that clearly will strengthen the treaty, and it will make it a simpler task to ensure the treaty's continuation when we get to 1995.

I think that the key, though, to the continuation of the treaty in 1995 will be much as it was in terms of the success of the 1985 review conference, which will be a recognition on the part of all of the parties that, on balance, the treaty serves their security; that on balance, the world would be a much more dangerous place without this treaty. So that my answer would be, if we get arms limitation and we get reductions, that is good. It is good for the treaty. It is good for us. But if we don't, I don't think we should assume that the treaty will not survive. The treaty is an extremely important international security document, and that critical consideration will, I think, be in the minds of all countries as we move closer to 1995.

Senator COCHRAN. I know that the IAEA has some obvious strengths and some obvious weaknesses. Some of those are disclosed in the statements that we have received today. If there are any weaknesses that our Government can identify as areas where we can work harder and more effectively to strengthen the international agency, what would those be, Secretary Boggs? Can you identify any agenda or items that would be on a list of goals on which our Government can now begin to work to make a contribution toward strengthening this international agency?

Mr. BOGGS. Well, first, I would say that I think that we have worked effectively. I mentioned some of the aspects in my statement on both the safeguards side and on the technical assistance side. It is interesting that you used the word "contribution," because part of our budgetary aspects is the so-called voluntary contributions which go for the technical assistance for the nonsafeguard side.

In the past several years, and certainly in the budget that is still being debated now, we have not been able to get the full amount that we have requested for voluntary contributions. Frankly, in the workings of the Agency, I think there is a very clearly seen trade that the more advanced countries and the nuclear weapons states have safeguards as their primary interests and the lesser developed countries are interested in the technical assistance that can be provided them for advancing their energy security. So that I believe that if we can keep up the level of voluntary contributions that we have requested, that would certainly be one aspect that would be important.

Certainly, on a day-to-day basis, we continue doing the type of work that has made these advances and safeguards. We continue the type of diplomatic work that has brought in the Soviet Union to permitting some safeguards on some of their facilities. We have brought in the Chinese. I guess my own experience as the head of delegation—and as head of the delegation, my role has a great deal to do with these flashy political issues—was that the work at the Agency was going right ahead, heedless of that, and, fortunately so. I was quite impressed with the activities of the Agency, the effectiveness of its safeguards in doing the job that they are designed to do, and I believe that we have made progress in having the Agency rededicate itself to those goals and those activities.

Senator COCHRAN. Let me thank you both, again, for being here today and cooperating with our subcommittee. We appreciate your testimony and your response to questions that we have had for you.

I anticipate that there may be other questions, which will be submitted in writing to you by the subcommittee. I know that Senator Cohen was unable to attend the hearing today, and he may have questions to submit to you, and we hope that those can be answered by you in a timely fashion.

Senator GLENN. Mr. Chairman, I have something to be submitted also. I have one other question, if I may?

Senator COCHRAN. Please proceed.

Senator **Glenn**. I recognize both of you believe the administration is following the right policy in this area, but if you think my estimate is just so much smoke here, I would quote to you from a couple of articles out of the foreign press. The Brazilian newspaper O Globo, reported on March 5, 1983, a statement by the Chairman of the Nuclear Agency, Nuclebras, that: "He does not believe that there are U.S. pressures to force Brazil to sign IAEA safeguards." The South African paper, Die Transvaler stated in an editorial on September 22, 1983, which was just 4 years after that mysterious flash off South Africa, that:

The decision by the American Government to allow a prominent company to provide technical equipment and maintenance at South Africa's first nuclear-power station arouses interest because of the particular motivation involved.

> It is that kind of equipment and maintenance that is needed at Koeburg is undoubtedly needed elsewhere. This is because South Africa is in the big league as far as nuclear research and the peaceful application of nuclear power is concerned.
>
> It is encouraging that the people sitting in the White House at present view ties with South Africa so level headedly, and we realize once again the great difference in approach between a Republican and Democratic administration.

Finally, the Pakistani paper, the Karachi Mashrig, reported on November 26, 1984, and I quote:

> Mr. Richard Kennedy, a nuclear affairs specialist in U.S. State Department has stated that accounts of Pakistani's nuclear program and dangers from it are highly exaggerated. This analysis by Mr. Richard Kennedy is most accurate. It should satisfy those circumstances which are spreading exaggerated reports of the damage of Pakistan's nuclear program. It is good news that the Reagan administration believes in Pakistan's assurances.

So the perception of those three countries, all of which have been reportedly engaging in unsafeguarded and suspicious nuclear activities is that this administration is being soft on them. I wonder why they think that? Do you have any comments on that?

Ambassador **Dunn**. My only comment, Senator, would be that as far as I can see from where I sit in this administration, dealing with nonproliferation on a day-to-day basis, I do not believe we have been soft on nonproliferation. I believe that in the case of Pakistan, we have made clear to Pakistan how importantly we take nonproliferation. In other cases, we have made the same point. I believe it is a serious policy matter, and that we have put a lot of effort into it, continue to put a lot of effort into it, and will continue to do so, and I think we have made some real gains.

You raised earlier the problem of reprocessing and enrichment technology. I would point out that in the course of the last 2 years, the administration has gained international agreement on tightening up the standards dealing with reprocessing and enrichment technology. That is one of the dozen or two dozen things that we have done. So I can't comment and speculate about what somebody else in the press says and some other country believes. I don't always believe everything I read in the American press.

Senator **Glenn**. Me, too.

All right, thank you very much, Mr. Chairman.

[Prepared statements of Ambassador Dunn and Mr. Boggs, responses to written questions for Ambassador Dunn from Senators Cochran and Cohen, and responses to written questions from Senator Cohen for Mr. Boggs follow:]

STATEMENT OF

AMBASSADOR LEWIS A. DUNN

ASSISTANT DIRECTOR
FOR
NUCLEAR AND WEAPONS CONTROL

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

BEFORE THE

SUBCOMMITTEE ON
ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ON

THE THIRD REVIEW CONFERENCE ON THE
TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

NOVEMBER 20, 1985

Mr. Chairman:

I appreciate this opportunity to appear before the Subcommittee on Energy, Nuclear Proliferation, and Government Processes of the Senate Committee on Governmental Affairs to discuss the results of the 1985 Review Conference on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Let me first sum up the big picture, and then turn to a more detailed discussion.

Despite predictions by some observers that this Conference would end in deadlock and confrontation, or even worse, threatened withdrawals from the Treaty, the parties engaged in a full and successful review of its implementation and even adopted a consensus Final Declaration. In this Declaration, the parties unequivocally reaffirmed their support for the Treaty, and concluded that the NPT is essential to international peace and security. They expressed their determination, as well, to enhance the Treaty's implementation, building on its strengths in the years ahead.

Although the US had stressed during the two years' preparations for the Conference that agreement on such a final document should not be the measure of a successful review, this Final Declaration is, nonetheless, a valuable political statement. It sets out recommendations for strengthening further the non-proliferation regime and supports our global non-proliferation efforts, especially through its strong endorsement of the NPT, of the need to prevent the spread of nuclear weapons, and of the International Atomic Energy Agency (IAEA) and its system of international safeguards.

The key to this successful review, in our view, was the recognition of the parties' common stake in the NPT. As President Reagan stated in his message to the 1985 Review Conference, the NPT is an "historic accomplishment," and it serves all countries' security. This theme was repeated by virtually all of the states represented.

Treaty Goals and Objectives

The US was one of the principal drafters of the NPT, and has historically supported the goals and objectives embodied in this vital arms control agreement. The NPT has been, and continues to be, a cornerstone of international efforts to prevent the spread of nuclear weapons. At the same time, the Treaty establishes a framework within which nations can cooperate to obtain the benefits of the peaceful atom under strict controls to prevent its misuse for nuclear explosive purposes. Finally, the NPT by calling in Article VI on all states, particularly the nuclear weapon states, to pursue good faith negotiations to end the nuclear arms race, recognizes the parties' intent to curb the threat posed by so-called vertical, as well as horizontal, nuclear proliferation.

The NPT, however, is more than its individual articles. With 130 parties, the Treaty also embodies a powerful international norm of non-proliferation.

In the 1950s and early 1960s, it was fairly common to find references to the international "prestige" associated with developing nuclear weapons. Such references have become notable in their absence as the world community has increasingly come to regard the acquisition of nuclear weapons as illegitimate, and the spread of nuclear weapons as a serious threat to international peace and the security of all nations. Those countries suspected of having nuclear weapons ambitions are now regarded by other countries as posing a serious and undesirable threat to peace, and their nuclear efforts deplored rather than applauded.

The First and Second NPT Review Conferences

As provided for under the Treaty (Article VIII(3)), the parties have conducted three major multilateral reviews of the Treaty's operation. Before turning to the issues and results of the third Review Conference, let me briefly review the past two Conferences.

In 1975, the first NPT Review Conference was marked by a full, and sometimes heated, debate over how well the Treaty's goals were being met. In the end, however, the Conference President, Madame Inga Thorssen of Sweden, produced and pushed through a lengthy final report which reviewed each of the Treaty articles, recommended further steps to strengthen and improve their implementation, and, importantly, reaffirmed the parties' strong support for the Treaty.

Debate at the 1980 Review Conference was difficult and contentious. This debate centered principally on Article VI dealing with nuclear arms limitation and disarmament, and to a lesser extent on Article IV which concerned peaceful nuclear cooperation. Despite the best efforts of a number of participants, including the United States, the 1980 Conference became deadlocked and eventually concluded without producing a consensus Final Document. There was substantial support expressed by the participants for the NPT, and a thorough review of the Treaty's provisions was conducted. Nonetheless, this outcome was widely regarded as a "failure" and by some even as a threat to the Treaty.

The Third NPT Review Conference

The third NPT Review Conference met for four weeks in Geneva from August 27 through the early morning of September 21. The Director of the US Arms Control and Disarmament Agency, Kenneth L. Adelman, delivered the United States' opening statement, and I headed the US delegation in the following weeks. Eighty-six of the 130 parties to the Treaty participated in the work of the Conference. In addition, a number of non-parties, including Algeria, Argentina, Brazil, Cuba, Israel, Pakistan, and Spain, were granted observer status by the Conference. There was heavy attendance by various non-governmental organizations as well.

The Conference conducted its work both in plenary sessions over which the President of the Conference, Egyptian Ambassador Mohamed Shaker, presided, and in three Main Committees established by the Review Conference Preparatory Committee. Main Committee I conducted the detailed review of the disarmament and arms control provisions of the Treaty and the parties' performance under Articles I and II. Main Committee II addressed the non-proliferation and safeguards provisions, especially in their relationship to international security and peaceful nuclear cooperation. Finally, Main Committee III reviewed the operation of the Treaty's peaceful uses provisions.

These three Main Committees were chaired, respectively, by the Non-Aligned (Sri Lanka), the East (Czechoslovakia), and the West (Japan). This three Committee arrangement encouraged a full review of all the elements of the Treaty, and resulted in more thorough consideration than in the past of the important non-proliferation and security contributions of the NPT.

For our part, the United States at this third review sought two broad objectives. First, we wanted a reaffirmation by the parties of their support for this vital arms control agreement and the international non-proliferation regime of which it is a key part. Second, we sought to identify ways to strengthen the overall non-proliferation regime and the NPT without amending its terms. Both objectives were achieved, as evidenced by the basic themes of the debate and the specific elements of the Final Declaration.

Basic Themes

During the General Debate when parties delivered national statements, one basic theme struck by virtually all the parties present was strong support for the NPT. Speaker after speaker acknowledged the Treaty's important contribution to international security, and warned that the further spread of nuclear weapons would add to regional and global tensions and increase the risk of nuclear war. Many states called it the most important arms control agreement in history.

Strong endorsement of the International Atomic Energy Agency, and its international safeguards system, was another basic theme. There also were calls for increased assistance to developing NPT parties interested in pursuing peaceful nuclear programs, along with recognition of the considerable aid already provided on a bilateral basis and via the IAEA.

Finally, throughout the debate, there was widespread criticism and disappointment over the slender progress made toward achieving the objectives of Article VI -- negotiation of effective measures to end the nuclear arms race and on nuclear disarmament. The United States made clear at the start that we, too, were concerned that efforts to achieve these goals had fallen far short of initial expectations.

Key Issues of the Review

Following the General Debate, the Conference undertook an article-by-article review of the implementation of the Treaty. During the course of this review, the past performance of the parties, as well as initiatives for improving this performance, came under scrutiny. This review highlighted the implementation of the Treaty provisions designed to prevent the spread of nuclear weapons (Articles I and II); the effectiveness of IAEA safeguards and ways to strengthen them (Article III); means of facilitating peaceful nuclear cooperation with NPT parties (Article IV); and the lack of progress under Article VI, including considerable discussion of whether to resume negotiations for a comprehensive nuclear test ban (CTB). I shall sketch some of the key results, and request that the Final Declaration be included in the record as an appendix to my testimony.

Articles I and II -- Non-Proliferation Commitments

Under Articles I and II, nuclear weapon states and non-nuclear weapon states, respectively, commit themselves to policies and practices designed to prevent the proliferation of nuclear weapons or other nuclear explosive devices. In its Final Declaration, the Conference noted that these commitments had been met during the period under review, greatly helping to prevent the spread of nuclear weapons. It also warned that any further detonation of a nuclear explosive device by a non-nuclear weapon state would constitute a most serious breach of the non-proliferation objective.

Article III -- Safeguards

Concerning Article III, which provides for the application of IAEA safeguards on the peaceful nuclear activities of non-nuclear weapon state parties, the parties concluded that such safeguards:

- are a fundamental element of the Treaty;
- play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices;
- promote confidence among states by providing assurance that states are complying with their non-proliferation obligations;
- are essential to peaceful nuclear commerce and cooperation; and
- help to strengthen international security.

Significantly, the 1985 Review Conference declared that unsafeguarded nuclear activities in non-nuclear weapon states pose serious proliferation dangers, and urged countries with such activities to accept IAEA safeguards on their present and future peaceful nuclear facilities (so-called comprehensive, or full-scope, safeguards). President Reagan previously had urged all nuclear suppliers to agree to require comprehensive safeguards in non-nuclear weapon states as a condition for any new nuclear supply commitment. Tilting in that direction, the Final Declaration calls on the parties, "specifically as a necessary basis for the transfer of relevant nuclear supplies to non-nuclear weapon states...to take effective steps towards achieving...acceptance of such safeguards by those states."

Closely related, the Conference welcomed the contributions of states to further the application of effective IAEA safeguards, and called on all states to continue their political, technical, and financial support for IAEA safeguards. In particular, with an eye to advanced nuclear facilities, states were called on to take IAEA safeguards fully into account in designing, planning, and constructing new facilities.

During the run-up to the Review Conference, there was interest on the part of some states in pursuing Conference endorsement of the need for a rigid separation of civil and military nuclear activities in nuclear weapon states, as well as a Conference call for the application of IAEA safeguards on all civil nuclear facilities in nuclear weapon states. In both cases, the US made clear its support for the basic principles at issue, but pointed out that practical realities had to be taken into account in implementing them. For example, the US already keeps its civilian nuclear activities from contributing to its military program, but a rigid separation would require duplication of national security facilities that produce material for both military and civilian uses. Similarly, the US accepts IAEA safeguards on a voluntary basis and the IAEA is able to select for the application of safeguards from more than 200 US facilities. However, for the IAEA to be required to inspect all US civilian facilities would place a great burden on the Agency, and require a significant increase in its budget without achieving any non-proliferation benefits.

In recognition of those practical difficulties, the Conference limited itself to a recommendation that there be an evaluation of the economic and practical possibility of extending the coverage of IAEA safeguards under the offers of certain nuclear weapon states to accept safeguards on a voluntary basis, and a consideration of a civil/military separation.

Article IV -- Peaceful Uses of Nuclear Energy

Despite calls from some developing nations for greater efforts to grant access to nuclear materials and technology, the acrimonious Article IV debate of the 1980 Review Conference was not repeated. Nor does the final consensus statement on Article IV contain the criticism of nuclear export controls, the Nuclear Suppliers Guidelines, and nuclear suppliers generally, which had been sought by some parties in 1980.

Instead, the Conference affirmed that the non-proliferation and safeguards commitments of the NPT provided an essential framework for peaceful nuclear cooperation, and that the NPT fosters the world-wide peaceful use of nuclear energy. In contrast to 1980, it acknowledged that an appreciable level of bilateral cooperation in the area of peaceful nuclear uses had taken place. At the same time, the Conference reaffirmed the parties' commitment to help foster peaceful nuclear cooperation and welcomed the IAEA's technical assistance and cooperation programs. In particular, it identified for IAEA consideration possible measures to strengthen peaceful assistance, e.g., assistance in securing outside financing for nuclear power projects; assistance in planning; and possible multi-year, multi-donor projects.

Both before and at the Conference, some countries called for Conference agreement to the establishment of a new technical assistance fund to provide developing countries with capital for nuclear power projects. Budget realities in many countries as well as the existence of other financing means, however, set limits to what could be agreed on by the Conference. As a compromise, it was agreed to ask the IAEA to set up an expert working group to study mechanisms to help developing countries' power programs, including financing. The US is prepared to cooperate with this study.

There also was considerable desire on the part of quite a few parties that the Conference "do something" to provide additional protection for peaceful nuclear facilities from military attack. This issue stemmed from the reaction to Israel's 1981 raid on Iraq's OSIRAK research reactor. The United States argued that the Review Conference was not the appropriate body to deal with this very complex question, which was being addressed in the Conference on Disarmament (CD). Final Conference action shifted away from creation of new legally-binding protection to a recognition that any such attack would require action by the UN Security Council in accordance with its practices and the provisions of the UN Charter. A "speedy conclusion" of the work of the CD on this subject also was urged.

Article VI -- Ending the Nuclear Arms Race

As expected, evaluation of the slender progress towards the nuclear arms limitation and disarmament objectives of Article VI was the most difficult issue at the Review Conference. Much of the discussion centered on the relative priority to be placed on a comprehensive ban on nuclear testing (CTB).

On the one hand, virtually all parties present supported immediate negotiations on, and urgent conclusion of, a CTB. The United States, on the other hand, while making clear its commitment to the long-term goal of a CTB in the proper context, stressed its conviction that deep and verifiable reductions in existing nuclear weapons must have the highest priority. In our view, only such reductions would represent progress toward the shared goal of eventual elimination of nuclear weapons. We also emphasized the US commitment to serious and flexible negotiations to this end in Geneva.

In the Conference's Final Declaration, the parties agreed, after intensive negotiations, to reflect these legitimate differences of view in a straightforward, factual manner. All the Conference participants, including the United States, first endorsed language that regretted that the objectives of Article VI remained unfulfilled, and that welcomed the US-Soviet bilateral negotiations in Geneva. Then, the compromise language that followed set out the strong belief of the great majority of the parties present that CTB negotiations should resume in 1985; but it equally reflected the US conviction that deep and verifiable reductions of existing nuclear arsenals should be the first step.

Given the real and serious differences over a CTB, the reflection of both views was accepted by all parties as the only basis for consensus. Nonetheless, some countries were frustrated and disappointed that the Review Conference had not achieved more far-reaching agreement on this issue.

Regional Political Issues

The 1985 Review Conference also was the scene of extensive behind-the-scenes maneuvering on a number of regional political issues, which threatened the work of the Conference. These issues were how to characterize Israel's 1981 bombing of Iraq's research reactor, calls for Conference action on nuclear cooperation with Israel and South Africa, and, on the final night, how to deal with alleged Iraqi attacks on an Iranian nuclear reactor.

Mid-way through the Conference, the Iraqis introduced a separate Conference resolution which condemned the 1981 Israeli attack on the Osirak reactor. At the same time, they pushed for the inclusion of similar language in the Final Declaration. The US strongly resisted such a condemnation, as it ran counter to our continued efforts to put this issue behind us, in particular by removing it from the agenda of the IAEA. In the eventual compromise, the Conference recalled, in a factual way, UN Security Council Resolution 487 of 1981 which was passed in response to the attack, and expressed "profound concern" about the attack.

The unsafeguarded nuclear programs of South Africa and Israel engendered expressions of concern from many delegations, and a number of delegations even called for an immediate and complete cutoff of all nuclear assistance and cooperation with these two countries. The US stressed that it had no significant nuclear cooperation with non-NPT parties that did not accept full-scope safeguards, and pointed to the President's embargo on virtually all nuclear dealings with South Africa. The US resisted, however, singling out only these two countries for Conference action, since other countries with unsafeguarded nuclear activities also posed proliferation concern. In the end, the Review Conference Final Declaration simply noted factually the concerns expressed by some at the Conference about the nuclear capability of South Africa and Israel and the calls made at the Conference to suspend nuclear cooperation with them.

Finally, when all other outstanding issues had been resolved, a clash on the final night between Iran and Iraq threatened to disrupt the proceedings and thwart consensus adoption of the Final Declaration. Iraq objected to Iran's proposal that the Conference note Iran's statement of concern over attacks on its nuclear reactor. Intensive consultations with these delegations, and strong pressure from the Non-Aligned and other delegations, led to a compromise. It provided for dropping the disputed sentence from the report, and the inclusion in the Conference record of Iranian and Iraqi statements on this subject.

Why Success?

Many factors, in my view, contributed to the successful outcome of the 1985 Review Conference.

For over two years, the United States had been preparing for this Review Conference. Throughout these preparations, we conducted extensive consultations with our Allies, with the Soviets and other members of the Socialist Group, and with many members of the Neutral and Non-Aligned Group. In these consultations, we sought not only to explain US views, but also to gain a better understanding of the concerns of other parties. We stressed the need for an honest review, which recognized where there was less progress than wanted in meeting certain of the Treaty's goals, but also emphasized the Treaty's many successes. Not least, via these consultations, we sought to foster a spirit of cooperation, and a recognition among the parties that they have a vital stake in the Treaty. These preparations and consultations provided a solid foundation for US efforts to encourage a positive, constructive outcome for the Review Conference.

The strong common interest of the United States and Soviet Union in the NPT played a part, too. It fostered a generally cooperative, constructive working relationship between our delegations at the Review Conference. Polemical exchanges in Geneva, which would have served only to distract attention from the many security benefits of the NPT, also were avoided.

A general desire on the part of virtually all countries to avoid a repetition of the 1980 outcome also seemed to be a factor. This time, some believed that a failure to agree on a Final Declaration would threaten the future vitality of the NPT.

That said, I believe that the most important factor which led to success in 1985, and clearly the most significant from the perspective of the long-term health of the Treaty, was the recognition by all of the parties of their vital stake in this important arms control agreement. This was evident throughout the Conference as the parties worked intensely to find the common ground, to reach consensus; it was most evident on the final night when the parties urged Iran and Iraq to compromise and kept the NPT from becoming a political hostage.

Put simply, even with less progress than desired on Article VI, there was more that united the parties than divided them. The NPT was too important to risk damaging in order to make a particular political point -- whether about regional politics, nuclear supply, or disarmament. Above all, without this Treaty every country would be less secure and the world a more dangerous place.

The Future of the NPT

What about the impact of the Review Conference on the future of the NPT? The Final Declaration contains many specific conclusions and recommendations designed to strengthen the NPT and the international non-proliferation regime. As such, it makes a real contribution to global non-proliferation efforts.

On a broader level, however, the significance of the Review Conference lies in the fact that, through the parties' unequivocal reaffirmation of support for the NPT, the Treaty regime has been strengthened by this review. The debate and results of the Conference underscored the vitality of the Treaty. Momentum, already buttressed by more than a dozen new adherents to the Treaty in the past few years, is with the NPT. US non-proliferation and security interests are supported by the 1985 NPT Review Conference.

Looking ahead, the United States, cooperating with other countries, can work on several fronts to strengthen the effectiveness of the NPT.

Various suggestions within the Final Declaration need to be followed up, whether in conjunction with other suppliers or on our own. For example, what additional steps can be taken to strengthen support for IAEA safeguards or to agree on comprehensive safeguards?

US diplomacy should continue to stress the security benefits of the NPT, particularly in seeking new Treaty adherents. In that regard, now is the time to build on this successful review to convince wavering countries to join, and to raise the matter yet again with longstanding holdouts.

In addition, continued strong support is required for peaceful nuclear cooperation with NPT parties. Of special importance, the US should keep up its funding of IAEA technical assistance, a good part of which the US targets only to NPT parties.

In addition, despite the fact that the parties' vital security stake in the NPT carried the day in 1985, we cannot dismiss the great disappointment that more far-reaching results had not yet been achieved on arms limitation and disarmament. Implementation of Article VI will remain a major issue. For our part, the Reagan Administration shall continue to negotiate flexibly and seriously in Geneva toward the goal of the eventual elimination of nuclear weapons.

Most important, as we look to the future, we should recall the words of Review Conference President Mohamed Shaker: "We must build on the NPT's successes, not belittle them." This Review Conference has reaffirmed successfully broad international support for the NPT. There was an honest taking stock, and the NPT stood on its merits. This outcome will keep momentum behind the Treaty, and will support our nonproliferation efforts in the coming years.

RESPONSE OF AMBASSADOR DUNN TO A WRITTEN QUESTION SUBMITTED BY SENATOR COCHRAN

QUESTION FROM SENATOR COCHRAN FOR LEWIS DUNN

Q: Please compare current US non-proliferation policy with the policy of the previous Administration. To what extent can the success of the Third Review Conference be attributed to changes in US policy since 1981?

A: Preventing the spread of nuclear weapons has been a longstanding goal of the United States. US non-proliferation policies have been characterized by a great deal of continuity. Both the current Administration and the previous one have stressed the importance of strong nuclear export controls, support for the work of the International Atomic Energy Agency and effective international safeguards, and the importance of a strong Non-Proliferation Treaty (NPT). Moreover, the Reagan Administration has built on previous efforts to reinforce technical constraints, political barriers, and non-proliferation institutions.

There are, however, several significant differences between the two Administrations that can best be described as differences in emphasis. The Reagan Administration has tried to get a better handle on the motivations of the countries in question. We have argued that success in preventing the spread of nuclear weapons is heavily dependent on efforts to address the political aspects of the problem.

The Reagan Administration also improved civil nuclear cooperation with our allies and other friendly countries that have good non-proliferation policies and have traditionally been close trading partners of the US in the nuclear area. Such increased cooperation has contributed to a more unified approach to many important non-proliferation issues.

Present US policy also reflects a more positive assessment of the role of nuclear power in meeting energy needs. According a more prominent domestic role for nuclear power strenthens US ability to work with other nations supportive of non-proliferation by ensuring that our policies are not misread as an effort to undermine their civil nuclear programs.

US efforts to improve civil nuclear cooperation as noted above contributed to a more positive and constructive discussion of Article IV peaceful use issues than had characterized previous Review Conferences. This, in turn, contributed to the overall success of the 1985 NPT Review Conference. Our efforts to explain US policies and to describe the extent of US efforts to constrain the further spread of nuclear weapons, while promoting the peaceful uses of nuclear energy, resulted in a better understanding of what had been done in this area. This, in our view, helped defuse some of the traditional

Article IV criticism of the nuclear suppliers, in general, and the US, in particular.

The fundamental key to the success of the NPT Review Conference, however, was the recognition by its parties that their security was inextricably linked to the continued vitality of the Treaty. This recognition motivated the parties seriously to seek the common ground and to reaffirm the critical contribution of the NPT to international peace and security.

RESPONSES OF AMBASSADOR DUNN TO WRITTEN QUESTIONS SUBMITTED BY SENATOR COHEN

Q: S.J. Res. 238, approving the U.S.-PRC Nuclear Cooperation Agreement, bars the licensing of any export to the PRC under the Agreement until the President certifies to the Congress that the reciprocal monitoring arrangements "have been designed to be effective in ensuring that (exports) shall be solely for intended peaceful purposes."

What monitoring arrangements does ACDA consider to be required to "be effective in ensuring" that exports are used solely for their stated end use?

Do the Department of Defense and the various members of the intelligence community agree?

A: Article 8 of the Agreement for Cooperation with the People's Republic of China provides that the parties will establish bilateral mutually-acceptable arrangements for exchanges of information and visits to material, facilities, and components. At such time as the Agreement enters into force, the Executive Branch will begin the process of consulting with China on this matter. It is, therefore, premature to be specific about the details of these arrangements.

Q: S.J. Res. 238 also bars exports under the Agreement until the President certifies that the PRC has "provide additional information regarding its nuclear nonprolife tion policies" and that, based on this and all other available information, is not engaged in proliferation-related activities and has terminated any previous proliferation-related activities.

What additional information will the Administration seek regarding the PRC's nuclear non-proliferation and export policies?

What additional information does the Administration consider to be required before it can meet this certification requirement?

A: The People's Republic of China has already provided important information in its nuclear non-proliferation and export policies. We can expect China's policy of not assisting other countries to acquire nuclear explosives to be implemented in a manner consistent with the basic non-proliferation practices common to the U.S. and other suppliers. Additional information regarding China non-proliferation policies will be obtained through consultations with China that will follow entry-into-force of the Agreement, and possibly through other channels. The President will make his judgement on certification taking into account all information available to the United States at that time relevant to the standard set forth in the joint resolution.

Q: Your prepared statement discusses NPT Review Conference's Final Declaration, which, inter alia, expressed the strong belief of the great majority of the parties present that CTB negotiations should be resumed.

A step which is frequently cited as possible means of advancing the goal of a CTB is ratification of the 1974 Threshold Test Treaty (TTBT) and the 1976 Peaceful Nuclear Explosions Treaty (PNET). The Administration has stated that it opposes ratification of these treaties because "technical analysis and experience of the past years demonstrate that the implementation of the TTBT's proposed verification procedures cannot ensure effective verification and that the procedures need to be strengthened." (ACDA Arms Control Issues Book, 2/4/85)

What specific procedures of the TTBT need to be strengthened and in what manner?

Is it the Administration's position that the PNET's proposed verification procedures cannot ensure effective verification and that the procedures of the PNET need to be strengthened? If yes, what specific procedures of the PNET need to be strengthened and in what manner?

A: While the Administration decided that provisions of the TTBT and PNET need to be strengthened, it has not taken a hard-and-fast position on the way to do it. Instead, it has sought Soviet discussion of the problem and mutual efforts to find solutions.

One factor which currently limits our ability effectively to verify compliance with the 150-kiloton threshold is the lack of direct and verifiable calibration information about the Soviet nuclear test sites, including information about the geophysical conditions under which the tests are carried out. The information to be exchanged upon ratification under the terms of the data exchange protocol of the current treaty would be somewhat helpful but clearly not definitive in this regard without independent validation of its accuracy.

In September 1984 at the UN General Assembly, President Reagan proposed that the US and USSR find a way for Soviet experts to come to the United States nuclear test site and for ours to go to theirs to measure directly the yields of tests of nuclear weapons. His hope was that such an exchange would begin to lay the basis for verification of effective limits on underground testing.

On July 29, 1985, the White House announced that the President had invited the Soviet leadership to send a team to observe and to measure a nuclear test at the US test site. This offer was unconditional. Soviet experts were invited to bring with them any instrumentation devices that the Soviet Union deems necessary to measure the yield of this test.

The USSR has commented negatively in public on the President's offers, but has not formally responded in diplomatic channels. Soviet acceptance would represent an important first step in this field.

Q: What technical analyses have demonstrated that the TTBT's proposed verification procedures cannot ensure effective verification? Do the AFTAC, DARPA or other analyses done by or for the USG indicate that the monitoring uncertainties involved have been overestimated?

A: Current US yield estimates have a large uncertainty -- about a factor of two. We are concerned both by the risk to national security from such a large uncertainty, and by the fact that it will cause frequent questions regarding compliance. Both sides have experienced this, inasmuch as both the US and the USSR have questioned each other on numerous occasions since 1976 regarding compliance with the yield threshold.

Recent studies by AFTAC, DARPA, and others have concluded that seismic data point to a lowering of US estimates of Soviet yields. These studies have not been fully evaluated, however, and it would be premature to say what effect they will have on US estimates.

Q: Was the matter of ratification of the TTBT and the PNET discussed at the NPT Review Conference?

A: No.

STATEMENT BY
DANNY J. BOGGS
DEPUTY SECRETARY OF ENERGY

BEFORE THE

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION
AND GOVERNMENT PROCESSES

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

NOVEMBER 20, 1985

Mr. Chairman, and members of the Subcommittee:

It is a pleasure to appear before this Subcommittee today to discuss issues in the field of nuclear nonproliferation. It is an especially timely topic since two major international conferences -- the NPT Review Conference and the IAEA General Conference -- have recently been brought to successful conclusion.

Introduction

Nuclear nonproliferation is a shared concern of the vast majority of the nations of the world. They recognize that the spread of nuclear explosives to additional nations would be a seriously destabilizing factor. Especially in the more sensitive areas of the world -- the Middle East, Southern Asia, Latin America -- the spread of nuclear weapons could well lead to a crumbling of the already weak obstacles to conflict. It goes without saying that actual use of these weapons anywhere would have devastating effects. It is for these reasons that we have sought to erect barriers to proliferation over the past thirty years.

The two principal international barriers to proliferation are the Nuclear Non-Proliferation Treaty (NPT) and the International Atomic Energy Agency (IAEA). Both of these institutions are strong, and are growing steadily stronger. The very successful NPT Review Conference this year is tangible evidence of this strength. Ambassador Lewis Dunn was the leader of the two-year

INTERAGENCY EFFORT BY THE U.S., INCLUDING DOE, TO PREPARE FOR THAT SUCCESSFUL CONFERENCE AND HE WILL GIVE THE SUBCOMMITTEE A DETAILED REPORT ON IT.

THE SUCCESSFUL NPT REVIEW CONFERENCE, AND AFTER IT THE IAEA GENERAL CONFERENCE, GIVE ME REASON TO BELIEVE THAT THERE IS IN THE WORLD TODAY A WIDELY SHARED VIEW THAT FURTHER NUCLEAR PROLIFERATION WOULD BE IN NO ONE'S INTEREST. I SAY "WIDELY SHARED" BECAUSE THIS VIEW UNFORTUNATELY IS NOT YET UNIVERSAL. AND I WOULD IDENTIFY FOR THIS SUBCOMMITTEE -- AS ONE OF THE FOREMOST PRIORITIES FOR OUR EFFORTS IN THIS AREA -- THE NEED TO WORK EVEN HARDER IN BOTH DIPLOMATIC AND INTERNATIONAL ENERGY FORA TO SEEK TO BRING ALL NATIONS INTO THE NONPROLIFERATION FRAMEWORK. ALTHOUGH MAJOR STEPS HAVE BEEN TAKEN IN RECENT YEARS -- I WOULD POINT TO CHINA'S ENTRY INTO THE IAEA AND THE LARGE NUMBER OF NEW NPT PARTIES AS TWO EXAMPLES -- MUCH REMAINS TO BE DONE.

ENERGY SECURITY AND NUCLEAR NONPROLIFERATION

THE REAGAN ADMINISTRATION HAS FROM THE OUTSET RECOGNIZED THE IMPORTANCE OF A STRONG NUCLEAR NONPROLIFERATION POLICY AND HAS FASHIONED A PRACTICAL APPROACH WHICH IS GEARED TO DELIVERING POSITIVE RESULTS.

ONE OF THE STRONGEST MOTIVATIONS SUPPORTING THE WORLDWIDE NONPROLIFERATION REGIME IS ENERGY SECURITY. SINCE THE BEGINNINGS OF THE ATOMIC AGE, WHEN THE BENEFITS OF PEACEFUL NUCLEAR USES WERE FIRST REALIZED, NATIONS HAVE BEEN WILLING TO RENOUNCE THE

MILITARY USES OF THIS TECHNOLOGY IN EXCHANGE FOR RECEIVING ITS CIVILIAN BENEFITS. TODAY, SOME OF OUR CLOSEST ALLIES IN EUROPE AND JAPAN HAVE MADE NUCLEAR POWER A MAJOR INDIGENOUS ENERGY SOURCE.

NUCLEAR POWER IS IMPORTANT BOTH TO NATIONS WITH NUCLEAR WEAPONS AND THOSE THAT HAVE RENOUNCED THEM, AND NUCLEAR POWER WILL CONTINUE TO PLAY A MAJOR ROLE IN THE WORLD ENERGY PICTURE. RELIABLE, ASSURED ACCESS TO NUCLEAR POWER TECHNOLOGY IS CRITICAL, AND AN APPROACH WHICH RECOGNIZES THESE COUNTRIES' NEEDS IS BASIC TO AN EFFECTIVE NONPROLIFERATION POLICY. WE SIMPLY MUST TAKE A REALISTIC APPROACH TO THIS ISSUE, ESPECIALLY WHEN DECISIONS WILL HAVE MAJOR IMPACTS ON THE ENERGY PROGRAMS OF OUR CLOSEST ALLIES. OUR POLICY IS, THEREFORE, BASED UPON THE NEED TO ENSURE THAT OUR TRADING PARTNERS KNOW WHAT TO EXPECT FROM US AND WHAT WE EXPECT FROM THEM.

TO CONTRIBUTE TO THE NUCLEAR NONPROLIFERATION REGIME, THE DEPARTMENT OF ENERGY IS COMMITTED TO PROVIDING AN ASSURED SUPPLY OF URANIUM ENRICHMENT SERVICES TO ITS FOREIGN CUSTOMERS OPERATING NUCLEAR POWER REACTORS. THE DOE ENRICHMENT PROGRAM HAS IN THE PAST PLAYED A MAJOR ROLE IN ENCOURAGING OTHER COUNTRIES TO JOIN WITH THE UNITED STATES IN ADVANCING THE PEACEFUL USES OF NUCLEAR ENERGY.

THE DEPARTMENT OF ENERGY ALSO HAS WORKED TO DEFINE REALISTIC POLICIES TO BE APPLIED IN WORKING WITH FRIENDS AND ALLIES IN THE

CIVILIAN NUCLEAR FUEL CYCLE. WE STRONGLY SUPPORT THE POLICY THAT THE UNITED STATES SHOULD NOT SEEK TO INHIBIT OR SET BACK REPROCESSING AND THE USE OF PLUTONIUM IN CIVIL PROGRAMS OF COUNTRIES WITH ADVANCED NUCLEAR PROGRAMS AND POSING NO PROLIFERATION RISK, PROVIDED THESE OCCUR UNDER CERTAIN STRICT NONPROLIFERATION CONDITIONS AND CONTROLS. BY MAKING DECISIONS WHICH PUT THE UNITED STATES IN THE POSITION OF A VALUED AND RELIABLE TRADING PARTNER OF OUR CLOSE FRIENDS, RATHER THAN AN ADVERSARY, WE ARE ABLE TO ACHIEVE THE COOPERATION OF THESE NATIONS IN EXPANDING AND STRENGTHENING THE WORLDWIDE NONPROLIFERATION REGIME.

WE ARE CONVINCED THAT THESE REALISTIC POLICIES ON REPROCESSING AND CIVIL PLUTONIUM USE WILL FOSTER THE WORLDWIDE NONPROLIFERATION REGIME BY ENCOURAGING THE COOPERATION OF OUR CLOSE TRADING PARTNERS. A KEY ASPECT OF THIS APPROACH IS THE COOPERATION OF THE ADVANCED STATES OF WESTERN EUROPE AND JAPAN. THESE NATIONS ARE NO LONGER DEPENDENT ON THE UNITED STATES FOR NUCLEAR MATERIAL OR TECHNOLOGY. IT IS IMPERATIVE THAT WE UNDERSTAND THE IMPORTANT ROLE OF NUCLEAR ENERGY IN THEIR NATIONAL ENERGY PROGRAMS. LIKE US, THESE COUNTRIES FEEL STRONGLY ABOUT THE NEED FOR ENERGY SECURITY. IT IS FOR THIS REASON THAT THE UNITED STATES IS COMMITTED TO A POLICY OF FULL COOPERATION WITH THESE ADVANCED NATIONS IN THE PEACEFUL USES OF NUCLEAR ENERGY, UNDER SAFEGUARDS AND CONTROLS WHICH WILL FURTHER THE ACHIEVEMENT OF OUR NONPROLIFERATION GOALS.

Energy security is also fostered by an active cooperative research program in the civil uses of nuclear energy. The Department has concluded many bilateral technical exchanges in such areas as reactor neutronics, power plant design, radioactive waste management, nuclear safety, and fuels and materials development. The RERTR (reduced enrichment for research and test reactors) program is an excellent example of international cooperation, developing low enriched fuels for nonproliferation purposes. In addition to bilateral arrangements, DOE is represented in the Nuclear Energy Agency (NEA) of the Organization of Economic Cooperation and Development, specifically, on the NEA's Steering Committee and the Standing Committees on the Nuclear Fuels Cycle, Radioactive Waste, and Safety of Nuclear Installations. The Fuels Cycle Committee is concerned with plutonium utilization, among other things, which provides a significant forum for pursuing our nonproliferation interests. With respect to technical cooperation with the International Atomic Energy Agency, DOE participates in three International Working Groups: Thermal Reactor Fuel Technology, Liquid Metal Fast Breeder Reactors, and High Temperature Gas-Cooled Reactors. DOE also provides experts to participate in advisory committees and symposia in support of technology transfer, within, of course, the bounds of nonproliferation objectives.

All of these programs underscore our commitment to an effective program of international cooperation. For example, INTERNATIONAL COOPERATION IN DEVELOPING BROADER TECHNOLOGIES IS ONE WAY WE MAINTAIN U.S. INFLUENCES IN AN AREA OF IMPORTANCE TO NONPROLIFERATION CONCERNS. THESE TECHNICAL EXCHANGES SERVE AS IMPORTANT TOOLS FOR ENCOURAGING OTHER NATIONS TO ESPOUSE STRICTER NONPROLIFERATION POLICIES, WHILE ALLOWING LEGITIMATE ACCESS TO TECHNOLOGICAL BENEFITS.

IN ADDITION TO THE TECHNICAL EXCHANGES, DOE IS RESPONSIBLE, JOINTLY WITH THE DEPARTMENT OF STATE, FOR SUBMITTING PROPOSED NUCLEAR AGREEMENTS FOR COOPERATION TO THE PRESIDENT FOR HIS REVIEW AND APPROVAL. DOE ALSO HAS THE LEAD RESPONSIBILITY FOR REVIEWING AND APPROVING NUCLEAR TECHNOLOGY TRANSFERS UNDER 10 CFR PART 810 AND "SUBSEQUENT ARRANGEMENTS" UNDER SECTION 131 OF THE ATOMIC ENERGY ACT, AND PLAYS A KEY ROLE IN THE DEVELOPMENT OF IMPROVED IAEA SAFEGUARDS TECHNIQUES AND EQUIPMENT UTILIZING THE DETAILED EXPERIENCE AND CAPABILITY OF THE NATIONAL LABORATORIES.

EARLY IN HIS FIRST ADMINISTRATION, PRESIDENT REAGAN SET THE TONE FOR THIS WORK. ON JULY 16, 1981, HE CHARACTERIZED THE PROLIFERATION PROBLEM AS ONE OF THE MOST CRITICAL CHALLENGES BEFORE US. HIS STATEMENT MADE IT CLEAR THAT THE NEED TO PREVENT THE SPREAD OF NUCLEAR WEAPONS TO ADDITIONAL COUNTRIES IS A FUNDAMENTAL NATIONAL SECURITY AND FOREIGN POLICY OBJECTIVE.

THE INTERNATIONAL ATOMIC ENERGY AGENCY

Because the Department of Energy plays a key role in formulating and carrying out many of the operational aspects of U.S. nonproliferation policy, it has traditionally been asked to provide a senior officer to lead the U.S. delegation to the annual IAEA General Conference. This practice is intended to underscore the important technical mandate of the International Atomic Energy Agency. This year, I was asked by the President to lead the U.S. delegation, and I now want to give the Subcommittee a review of this most important organization.

The annual General Conference is the principal policy-making organ of the Agency, open to all 112 member states. The Conference is the forum in which major issues are addressed, and it determines the operation of the Agency during the ensuing year, normally based on recommendations of the 35-nation Board of Governors or of Committees of the Conference itself. At the annual Conference members decide on such major matters as the Agency's budget, appointment of the Director General, and approval of IAEA safeguards agreements.

Our main objectives at this year's General Conference were to focus on safeguards and other technical and operational issues relevant to IAEA programs and to reduce the amount of irrelevant political controversy. I was gratified that this Conference was successful by this standard.

THE OUTCOMES OF THIS YEAR'S CONFERENCE AND ASSOCIATED MEETING OF THE BOARD OF GOVERNORS WERE LARGELY BUSINESSLIKE AND PRODUCTIVE. THE RESULTS ACHIEVED PROVIDE A SOUND BASIS FOR THE AGENCY'S WORK IN THE NEXT FEW YEARS. I WOULD LIKE TO COMMENT ON A NUMBER OF THESE WHICH ARE IMPORTANT TO THE U.S.

FIRST, HOWEVER, ALLOW ME TO NOTE THAT THE ISSUE OF ISRAEL'S MEMBERSHIP RIGHTS -- WHICH HAS PREOCCUPIED THESE CONFERENCES FOR FIVE YEARS -- APPEARS TO BE ON THE WANE. AN EFFORT BY IRAQ TO DENY ISRAEL CERTAIN RIGHTS AND PRIVILEGES OF MEMBERSHIP WAS DEFEATED, AS A RESULT OF STRONG U.S. EFFORTS WITH ASSISTANCE FROM OUR ALLIES. AN ALTERNATIVE RESOLUTION, SPONSORED BY THE SCANDINAVIAN COUNTRIES, REFLECTS ISRAEL'S VERY FORTHCOMING ASSURANCES THAT IT WILL NOT ATTACK PEACEFUL NUCLEAR FACILITIES. THE ISRAELI ISSUE IS NO LONGER AUTOMATICALLY ON THE IAEA AGENDA. BUT I WOULD CAUTION THAT THIS PROBLEM MAY CONTINUE TO ATTRACT ATTENTION, AND WE MAY WELL HAVE TO FOCUS SOME ATTENTION ON IT AGAIN NEXT YEAR TO ENSURE THAT THE IMPORTANT WORK OF THE IAEA IS NOT UNDERMINED.

MORE POSITIVELY, IN THE AREA OF SAFEGUARDS THE GENERAL CONFERENCE GAVE DETAILED CONSIDERATION TO A NUMBER OF ISSUES IN CONNECTION WITH A REVIEW OF THE 1984 IAEA PROGRAM.

AS THE COMMITTEE IS AWARE, IAEA SAFEGUARDS ARE, FOR THE UNITED STATES, THE AGENCY'S SINGLE MOST IMPORTANT ACTIVITY. THIS PROGRAM IS DESIGNED TO VERIFY THE COMMITMENTS OF STATES THAT

CIVIL NUCLEAR MATERIALS AND FACILITIES ARE NOT USED TO FURTHER ANY MILITARY OR EXPLOSIVE PURPOSE. SAFEGUARDS ARE THE ESSENTIAL TECHNICAL SUPPORT FOR THE INTERNATIONAL NUCLEAR NONPROLIFERATION REGIME. THE EXPANSION AND ENHANCEMENT OF THIS REGIME IS A PRIMARY OBJECTIVE OF UNITED STATES FOREIGN POLICY.

THE U.S. WAS THE EARLIEST, MOST ACTIVE, AND MOST CONSISTENT PROPONENT OF STRENGTHENING THESE SAFEGUARDS. RECENT EVENTS HAVE FOSTERED A GROWING INTERNATIONAL CONSENSUS THAT SAFEGUARDS MUST BE SIGNIFICANTLY IMPROVED, ESPECIALLY IN NON-NPT COUNTRIES, AND THAT TECHNICAL ASSISTANCE FOR SAFEGUARDS EQUIPMENT AND PROCEDURES RESEARCH AND DEVELOPMENT ADDRESSES ONLY ONE ASPECT OF THE NEED FOR IMPROVEMENT. AS AN EXAMPLE OF U.S. SUPPORT, UNDER THE PROGRAM FOR TECHNICAL ASSISTANCE TO SAFEGUARDS (POTAS), WE SPEND APPROXIMATELY $6 MILLION EACH YEAR TO IMPROVE SAFEGUARDS INSTRUMENTATION.

AMONG THE ISSUES CONSIDERED AT THE GENERAL CONFERENCE WERE STEPS TO IMPROVE THE OVERALL EFFICIENCY AND EFFECTIVENESS OF SAFEGUARDS INSPECTORS, TO IMPROVE THE MANAGEMENT STRUCTURE AND COMMUNICATIONS WITHIN THE SAFEGUARDS DEPARTMENT (ESPECIALLY BETWEEN OPERATIONS AND DEVELOPMENT SUPPORT STAFF), TO ROTATE SENIOR STAFF AMONG JOBS, AND TO STANDARDIZE PROCEDURES AMONG INSPECTION STATIONS.

THE UNITED STATES IS ALSO A STRONG PROPONENT OF INCREASED POLITICAL AND RESOURCE SUPPORT FOR THE SAFEGUARDS DEPARTMENT BY

MEMBER STATES, PARTICULARLY IN THE BOARD OF GOVERNORS. WE SUPPORT A REAL INCREASE IN THE SAFEGUARDS BUDGET FOR EQUIPMENT PROCUREMENT, FOR A BROADER DESIGNATION OF INSPECTORS, AND SUPPORT FOR NEGOTIATION OF ALL OUTSTANDING SUBSIDIARY ARRANGEMENTS. FINALLY, INCREASED COOPERATION AMONG TECHNICAL SUPPORT PROGRAMS IS IMPORTANT TO ENSURE THAT THE INSPECTORATE HAS THE NECESSARY TOOLS TO IMPLEMENT AN EFFECTIVE SAFEGUARDS PROGRAM.

IN ITS ANNUAL REPORT FOR 1984, THE IAEA CONCLUDED THAT IT DID NOT DETECT ANY ANOMALY WHICH WOULD INDICATE THE DIVERSION OF A SIGNIFICANT AMOUNT OF SAFEGUARDED NUCLEAR MATERIAL. IN REACHING THIS CONCLUSION, THE AGENCY CONDUCTED 1,820 INSPECTIONS AT 474 FACILITIES IN 49 NON-NUCLEAR WEAPONS STATES AND 3 NUCLEAR WEAPONS STATES. WHILE THE AGENCY HAS BEEN EXPERIENCING INCREASING SUCCESS IN ITS INSPECTION ACTIVITIES, THERE ARE A NUMBER OF PROBLEM AREAS WHICH REQUIRE NOT ONLY IMPROVEMENTS WITH THE AGENCY, BUT ALSO INCREASED SUPPORT FROM MEMBER STATES. SOME OF THESE PROBLEMS INCLUDE: MORE EFFECTIVE ARRANGEMENTS FOR INVENTORY VERIFICATIONS; THE INTRODUCTION AND UTILIZATION OF NON-DESTRUCTIVE ASSAY TECHNIQUES; ADVANCED TRAINING AND REFRESHER COURSES FOR EXPERIENCED INSPECTORS; BETTER PLANNING, IMPLEMENTATION AND EVALUATION OF INSPECTION ACTIVITIES; REMOVAL OF STATES' RESTRICTIONS ON INSPECTOR DESIGNATION; OVERCOMING TRANSPORT OF SHIPPING SAMPLES RESTRICTIONS AND OTHER CAUSES OF DELAY; AND, FURTHER EFFORTS TO ENSURE THAT FUTURE NUCLEAR INSTALLATIONS INCLUDE FEATURES THAT WILL FACILITATE THE APPLICATIONS OF SAFEGUARDS. AS THE NUMBERS AND COMPLEXITY OF FACILITIES INCREASE along with expanded nuclear trade, it will become increasingly important to all member states that the effectiveness and efficiency of the IAEA safeguards activities also improve.

Another noteworthy development at the General Conference in the safeguards areas was the offer by the People's Republic of China to place certain nuclear facilities under IAEA safeguards. This action by China is especially significant since that country joined the Agency only in 1984. The U.S. regards the Chinese announcement and its statement that it will require IAEA safeguards on its nuclear exports as extremely positive steps which underscore China's support for the Agency's safeguards system and for the worldwide nonproliferation regime. In addition to the Chinese offer, 1985 saw the first safeguards inspections carried out by the IAEA in the Soviet Union under the USSR Voluntary Offer Agreement. As the Committee will recall, the importance of safeguards inspections in the USSR was referred to in Vice President Bush's July 1985 policy statement. He noted that the close cooperation of the U.S. and the USSR has been important in advancing the worldwide application of effective IAEA safeguards, and we are pleased that safeguards are now being applied in the Soviet Union.

IAEA safeguards are a key IAEA program designed to detect a national diversion of peaceful nuclear activities to a military or nuclear explosive program. In this sense, they are fundamentally different in scope and purpose from states' physical

PROTECTION PROGRAMS, WHICH ARE DESIGNED TO PREVENT THE THEFT OR SABOTAGE OF NUCLEAR MATERIALS BY SUBNATIONAL GROUPS.

THIS DISTINCTION IS A CRITICAL ONE, BECAUSE IAEA DOES NOT HAVE THE AUTHORITY OR THE RESOURCES TO OPERATE PHYSICAL SECURITY PROGRAMS. IT IS CLEAR THAT WE WILL -- AND SHOULD -- CONTINUE TO RELY ON NATIONS' PROGRAMS WHICH ARE INTIMATELY TIED TO THEIR INTERNAL SECURITY AND TO THEIR NATIONAL CONSTITUTIONAL AND LEGAL REGIMES.

AT THE SAME TIME, THE U.S. HAS STRONGLY ENCOURAGED IAEA AND MEMBER STATES TO WORK TOGETHER TO IMPROVE THESE PROGRAMS AND TO DEVELOP ENHANCED STANDARDS OF PHYSICAL PROTECTION OF NUCLEAR MATERIALS, EQUIPMENT, AND FACILITIES. U.S. LEADERSHIP LED TO AN IAEA-SPONSORED INTERNATIONAL ADVISORY GROUP OF EXPERTS WHICH PRODUCED AGREED STANDARDS DESIGNED TO ESTABLISH CONDITIONS MINIMIZING THE POSSIBILITIES FOR UNAUTHORIZED REMOVAL OR SABOTAGE OF NUCLEAR MATERIALS. THE STANDARDS ALSO CALL FOR MEMBERS TO PROVIDE THE INFORMATION AND ASSISTANCE TO LOCATE AND RECOVER MISSING MATERIAL, TO PROVIDE FOR THE MEMBER STATES STANDARDIZED REQUIREMENTS FOR PHYSICAL PROTECTION OF NUCLEAR MATERIAL WHILE IN USE, TRANSIT OR STORAGE, AND TO ENABLE THE AGENCY TO PROVIDE MEANINGFUL ADVICE AT THE REQUEST OF THE STATES.

MOREOVER, THE UNITED STATES HAS SUCCESSFULLY SPONSORED RESOLUTIONS AT THE GENERAL CONFERENCE CALLING FOR UNIVERSAL ADHERENCE TO THE INTERNATIONAL CONVENTION ON THE PHYSICAL

PROTECTION OF NUCLEAR MATERIAL. THUS FAR, 14 COUNTRIES HAVE RATIFIED THIS CONVENTION, INCLUDING THE UNITED STATES. THIS IMPORTANT TREATY WILL ESTABLISH WORLDWIDE STANDARDS TO BE FOLLOWED BY COUNTRIES IN THE SHIPPING AND TRACKING OF NUCLEAR MATERIAL, THEREBY MATERIALLY ADDING TO THE SECURITY OF THESE TRANSACTIONS. THUS, WHILE IAEA DOES NOT HAVE OPERATIONAL RESPONSIBILITY FOR PHYSICAL SECURITY, IT DOES PLAY AN IMPORTANT ROLE IN FOSTERING INTERNATIONAL COOPERATION.

A KEY ISSUE FOR THE U.S. HAS BEEN THE FINANCIAL RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS. I AM PLEASED TO REPORT THAT THE IAEA HAS MADE A SUCCESSFUL EFFORT TO PRODUCE NEAR "ZERO REAL GROWTH" BUDGETS. THIS IS A DIFFICULT TASK FOR AN ORGANIZATION WITH MANY COMPETING DEMANDS FOR RESOURCES, AND STRICT FINANCIAL MEASURES MUST BE CLOSELY MONITORED TO ENSURE THAT THEY DO NOT AFFECT KEY PROGRAMS, ESPECIALLY THE SAFEGUARDS PROGRAM.

CONCLUSION

IN CLOSING, MR. CHAIRMAN, ALLOW ME TO GIVE SOME PERCEPTIONS OF THE INTERNATIONAL NONPROLIFERATION REGIME, ESPECIALLY AS IT INVOLVES THE IAEA.

THE UNITED STATES HAS BEEN IN THE FOREFRONT OF EFFORT OVER 40 YEARS TO ENSURE THAT NEVER AGAIN SHOULD THE WORLD SEE THE DEVASTATING HORRORS OF NUCLEAR WEAPONS, AND THAT DEVELOPMENT OF THE HUMANITARIAN USES OF THE ATOM SHOULD BE FOSTERED. FROM THIS POLICY THE INTERNATIONAL ATOMIC ENERGY AGENCY WAS BORN.

The IAEA is a unique resource. And U.S. influence in the IAEA is still formidable. We will continue to work effectively behind the scenes to keep the Agency loyal to its Statute, and to enhance the Agency's effectiveness in assisting the member states' programs for industrial growth, agricultural self-sufficiency, and medical progress. We will also continue to encourage IAEA programs in the nuclear energy sphere, under effective IAEA safeguards and nonproliferation controls.

We continue to be the strongest, most technically advanced country in the world with the largest nuclear program. We have enormous knowledge to share with the most needy of nations. We can be effective in the IAEA only so long as this continues to be true, and so long as others understand and accept effective nonproliferation controls.

Thank you, Mr. Chairman. I will be glad to answer any questions at this time.

RESPONSES OF MR. BOGGS TO WRITTEN QUESTIONS SUBMITTED BY SENATOR COHEN

Q. S.J. Res. 238, approving the U.S.-PRC Nuclear Cooperation Agreement, bars the licensing of any export to the PRC under the Agreement until the President certifies to the Congress that the reciprocal monitoring arrangements "have been designed to be effective in ensuring that (exports) shall be solely for intended peaceful purposes."

What monitoring arrangements does DOE consider to be required to "be effective in ensuring" that exports are used solely for their stated end use?

Do the Department of Defense and the various members of the intelligence community agree?

A. Article 8 of the Agreement for Cooperation with the People's Republic of China provides that the parties will establish bilateral mutually acceptable arrangements for exchanges of information and visits to material, facilities, and components. At such time as the Agreement enters into force, the Executive Branch will begin the process of consulting with China on this matter. It is, therefore, premature to be specific about the details of these arrangements.

Q. S.J. Res. 238 also bars exports under the Agreement until the President certifies that the PRC has "provided additional information regarding its nuclear nonproliferation policies" and that, based on this and all other available information, is not engaged in proliferation-related activities and has terminated any previous proliferation-related activities.

What additional information will the Administration seek regarding the PRC's nuclear nonproliferation and export policies?

What additional information does the Administration consider to be required before it can meet this certification requirement?

A. The People's Republic of China has already provided important information on its nuclear nonproliferation and export policies. We can expect China's policy of not assisting other countries to acquire nuclear explosives to be implemented in a manner consistent with basic nonproliferation practices common to the U.S. and other suppliers. Additional information regarding China's nonproliferation policies will be obtained through consultations with China that will follow entry-into-force of the Agreement, and possibly through other channels. The President would make his judgment on certification taking into account all information available to the United States at that time relevant to the standard set forth in the Joint Resolution.

Senator Cohen
Energy, Nuclear Proliferation
& Government Processes Subcommittee
11/20/85 Hearing

Questions for Mr. Boggs

U.S.-PRC Nuclear Cooperation Agreement

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What monitoring arrangements does DOE consider to be required to "be effective in ensuring" that exports are used solely for their stated end use ?

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Senator COCHRAN. Let me thank you both again for being here and cooperating with the subcommittee. We will stand in recess.

[Whereupon, at 11:25 a.m., the hearing was adjourned.]

APPENDIX

FINAL DECLARATION

THE STATES PARTY TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS WHICH MET IN GENEVA FROM 27 AUGUST TO 21 SEPTEMBER 1985 TO REVIEW THE OPERATION OF THE TREATY SOLEMNLY DECLARE:

- their conviction that the Treaty is essential to international peace and security,
- their continued support for the objectives of the Treaty which are:
  - the prevention of proliferation of nuclear weapons or other nuclear explosive devices;
  - the cessation of the nuclear arms race, nuclear disarmament and a Treaty on general and complete disarmament;
  - the promotion of co-operation between States Parties in the field of the peaceful uses of nuclear energy,
- the reaffirmation of their firm commitment to the purposes of the Preamble and the provisions of the Treaty,
- their determination to enhance the implementation of the Treaty and to further strengthen its authority.

Review of the Operation of the Treaty and Recommendations

Articles I and II and preambular paragraphs 1-3

The Conference noted the concerns and convictions expressed in preambular paragraphs 1 to 3 and agreed that they remain valid. The States Party to the Treaty remain resolved in their belief in the need to avoid the devastation that a nuclear war would bring. The Conference remains convinced that any proliferation of nuclear weapons would seriously increase the danger of a nuclear war.

The Conference agreed that the strict observance of the terms of Articles I and II remains central to achieving the shared objectives of preventing under any circumstances the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security, including to the peace and security of non-Parties.

The Conference acknowledged the declarations by nuclear-weapons States Party to the Treaty that they had fulfilled their obligations under Article I. The Conference further acknowledged the declarations that non-nuclear-weapons States Party to the Treaty had fulfilled their obligations under Article II. The Conference was of the view therefore that one of the primary objectives of the Treaty had been achieved in the period under review.

The Conference also expressed deep concern that the national nuclear programmes of some States non-Party to the Treaty may lead them to obtain a nuclear weapon capability. States Party to the Treaty stated that any further detonation of a nuclear explosive device by any non-nuclear-weapon State would constitute a most serious breach of the non-proliferation objective.

The Conference noted the great and serious concerns expressed about the nuclear capability of South Africa and Israel. The Conference further noted the calls on all States for the total and complete prohibition of the transfer of all nuclear facilities, resources or devices to South Africa and Israel and to stop all exploitation of Namibian uranium, natural or enriched, until the attainment of Namibian independence.

Article III and preambular paragraphs 4 and 5

1. The Conference affirms its determination to strengthen further the barriers against the proliferation of nuclear weapons and other nuclear explosive devices to additional States. The spread of nuclear explosive capabilities would add immeasurably to regional and international tensions and suspicions. It would increase the risk of nuclear war and lessen the security of all States. The Parties remain convinced that universal adherence to the Non-Proliferation Treaty is the best way to strengthen the barriers against proliferation and they urge all States not party to the Treaty to accede to it. The Treaty and the régime of non-proliferation it supports play a central role in promoting regional and international peace and security, inter alia, by helping to prevent the spread of nuclear explosives. The non-proliferation and safeguards commitments in the Treaty are essential also for peaceful nuclear commerce and co-operation.

2. The Conference expresses the conviction that IAEA safeguards provide assurance that States are complying with their undertakings and assist States in demonstrating this compliance. They thereby promote further confidence among States and, being a fundamental element of the Treaty, help to strengthen their collective security. IAEA safeguards play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices. Unsafeguarded nuclear activities in non-nuclear-weapon States pose serious proliferation dangers.

3. The Conference declares that the commitment to non-proliferation by nuclear-weapon States Party to the Treaty pursuant to Article I, by non-nuclear-weapon States Party to the Treaty pursuant to Article II, and by the acceptance of IAEA safeguards on all peaceful nuclear activities within non-nuclear-weapon States Party to the Treaty pursuant to Article III is a major contribution by those States to regional and international security. The Conference notes with satisfaction that the commitments in Articles I-III have been met and have greatly helped prevent the spread of nuclear explosives.

4. The Conference therefore specifically urges all non-nuclear-weapon States not party to the Treaty to make an international legally-binding commitment not to acquire nuclear weapons or other nuclear explosive devices and to accept IAEA safeguards on all their peaceful nuclear activities, both current and future, to verify that commitment. The Conference further urges all States in their international nuclear co-operation and in their nuclear export policies and, specifically as a necessary basis for the transfer of relevant nuclear supplies to non-nuclear-weapon States, to take effective steps towards achieving such a commitment to non-proliferation and acceptance of such safeguards by those States. The Conference expresses its view that accession to the Non-Proliferation Treaty is the best way to achieve that objective.

5. The Conference expresses its satisfaction that four of the five nuclear-weapon States have voluntarily concluded safeguards agreements with the IAEA, covering all or part of their peaceful nuclear activities. The Conference regards those agreements as further strengthening the non-proliferation régime and increasing the authority of IAEA and the effectiveness of its safeguards system. The Conference calls on the nuclear-weapon States to continue to co-operate fully with the IAEA in the implementation of these agreements and calls on IAEA to take full advantage of this co-operation. The Conference urges the People's Republic of China similarly to conclude a safeguards agreement with IAEA. The Conference recommends the continued pursuit of the principle of universal application of IAEA safeguards to all peaceful nuclear activities in all States. To this end, the Conference recognizes the value of voluntary offers and recommends further evaluation of the economic and practical possibility of extending application of safeguards to additional civil facilities in the

nuclear-weapon States as and when IAEA resources permit and consideration of separation of the civil and military facilities in the nuclear-weapon States. Such an extending of safeguards will enable the further development and application of an effective régime in both nuclear-weapon States and non-nuclear-weapon States.

6. The Conference also affirms the great value to the non-proliferation régime of commitments by the nuclear-weapon States that nuclear supplies provided for peaceful use will not be used for nuclear weapons or other nuclear explosive purposes. Safeguards in nuclear-weapon States pursuant to their safeguards agreements with IAEA can verify observance of those commitments.

7. The Conference notes with satisfaction the adherence of further Parties to the Treaty and the conclusion of further safeguards agreements in compliance with the undertaking of the Treaty and recommends that:

(a) The non-nuclear-weapon States Party to the Treaty that have not concluded the agreements required under Article III (4) conclude such agreements with IAEA as soon as possible;

(b) The Director-General of IAEA intensify his initiative of submitting to States concerned draft agreements to facilitate the conclusion of corresponding safeguards agreements, and that Parties to the Treaty, in particular Depositary Parties, should actively support these initiatives;

(c) All States Party to the Treaty make strenuous individual and collective efforts to make the Treaty truly universal.

8. The Conference notes with satisfaction that IAEA in carrying out its safeguards activities has not detected any diversion of a significant amount of safeguarded material to the production of nuclear weapons, other nuclear explosive devices or to purposes unknown.

9. The Conference notes that IAEA safeguards activities have not hampered the economic, scientific or technological development of the Parties to the Treaty, or international co-operation in peaceful nuclear activities and it urges that this situation be maintained.

10. The Conference commends IAEA on its implementation of safeguards pursuant to this Treaty and urges it to continue to ensure the maximum technical and cost effectiveness and efficiency of its operations, while maintaining consistency with the economic and safe conduct of nuclear activities.

11. The Conference notes with satisfaction the improvement of IAEA safeguards which has enabled it to continue to apply safeguards effectively during a period of rapid growth in the number of safeguarded facilities. It also notes that IAEA safeguards approaches are capable of adequately dealing with facilities under safeguards. In this regard, the recent conclusion of the project to design a safeguards régime for centrifuge enrichment plants and its implementation is welcomed. This project allows the application of an effective régime to all plants of this type in the territories both of nuclear-weapon States and non-nuclear-weapon States Parties to the Treaty.

12. The Conference emphasizes the importance of continued improvements in the effectiveness and efficiency of IAEA safeguards, for example, but not limited to:

(a) Uniform and non-discriminatory implementation of safeguards;

(b) The expeditious implementation of new instruments and techniques;

(c) The further development of methods for evaluation of safeguards effectiveness in combination with safeguards information;

(d) Continued increases in the efficiency of the use of human and financial resources and of equipment.

13. The Conference believes that further improvement of the list of materials and equipment which, in accordance with Article III (2) of the Treaty, calls for the application of IAEA safeguards should take account of advances in technology.

14. The Conference recommends that IAEA establish an internationally agreed effective system of international plutonium storage in accordance with Article XII(A)5 of its statute.

15. The Conference welcomes the significant contributions made by States Parties in facilitating the application of IAEA safeguards and in supporting research, development and other supports to further the application of effective and efficient safeguards. The Conference urges that such co-operation and support be continued and that other States Parties provide similar support.

16. The Conference calls upon all States to take IAEA safeguards requirements fully into account while planning, designing and constructing new nuclear fuel cycle facilities and while modifying existing nuclear fuel cycle facilities.

17. The Conference also calls on States Parties to the Treaty to assist IAEA in applying its safeguards, inter alia, through the efficient operation of State systems of accounting for and control of nuclear material, and including compliance with all notification requirements in accordance with safeguards agreements.

18. The Conference welcomes the Agency's endeavours to recruit and train staff of the highest professional standards for safeguards implementation with due regard to the widest possible geographical distribution, in accordance with Article VII D of the IAEA Statute. It calls upon States to exercise their right regarding proposals of designation of IAEA inspectors in such a way as to facilitate the most effective use of safeguards manpower.

19. The Conference also commends to all States Parties the merits of establishment of international fuel cycle facilities, including multination participation, as a positive contribution to reassurance of the peaceful use and non-diversion of nuclear materials. While primarily a national responsibility, the Conference sees advantages in international co-operation concerning spent fuel storage and nuclear waste storage.

20. The Conference calls upon States Parties to continue their political, technical and financial support of the IAEA safeguards system.

21. The Conference underlines the need for IAEA to be provided with the necessary financial and human resources to ensure that the Agency is able to continue to meet effectively its safeguards responsibilities.

22. The Conference urges all States that have not done so to adhere to the Convention on the physical protection of nuclear material at the earliest possible date.

Article IV and prembular paragraphs 6 and 7

1. The Conference affirms that the NPT fosters the world-wide peaceful use of nuclear energy and reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of any Party to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II.

2. The Conference reaffirms the undertaking by all Parties to the Treaty, in accordance with Article IV and preambular paragraphs 6 and 7, to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy and the right of all Parties to the Treaty to participate in such exchange. In this context, the Conference recognizes the importance of services. This can contribute to progress in general and to the elimination of technological and economic gaps between the developed and developing countries.

3. The Conference reaffirms the undertaking of the Parties to the Treaty in a position to do so to co-operate in contributing, alone or together with other States or international organizations, to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of the non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world. In this context the Conference recognizes the particular needs of the least developed countries.

4. The Conference requests that States Parties consider possible bilateral co-operation measures to further improve the implementation of Article IV. To this end, States Parties are requested to give in written form their experiences in this area in the form of national contributions to be presented in a report to the next Review Conference.

5. The Conference recognizes the need for more predictable long-term supply assurances with effective assurances of non-proliferation.

6. The Conference commends the recent progress which the IAEA's Committee on Assurances of Supply (CAS) has made towards agreeing a set of principles related to this matter, and expresses the hope that the Committee will complete this work soon. The Conference further notes with satisfaction the measures which CAS has recommended to the IAEA Board of Governors for alleviating technical and administrative problems in international shipments of nuclear items, emergency and back-up mechanisms, and mechanisms for the revision of international nuclear co-operation agreements and calls for the early completion of the work of CAS and the implementation of its recommendations.

7. The Conference reaffirms that in accordance with international law and applicable treaty obligations, States should fulfil their obligations under agreements in the nuclear field, and any modification of such agreements, if required, should be made only by mutual consent of the parties concerned.

8. The Conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing their respective fuel cycle policies. International co-operation in this area, including international transfer and subsequent operations should be governed by effective assurances of non-proliferation and predictable long-term supply assurances. The issuance of related licences and authorization involved should take place in a timely fashion.

9. While recognizing that the operation and management of the back-end of the fuel cycle including nuclear waste storage are primarily a national responsibility, the Conference acknowledges the importance for the peaceful uses of nuclear energy of international and multilateral collaboration for arrangements in this area.

10. The Conference expresses its profound concern about the Israeli military attack on Iraq's safeguarded nuclear reactor on 7 June 1981. The Conference recalls Security Council Resolution 487 of 1981, strongly condemning the military attack by Israel which was unanimously adopted by the Council and which considered that the said attack constituted a serious threat to the entire IAEA safeguards régime which is the foundation of the Non-Proliferation Treaty. The Conference also takes note of the decisions and resolutions adopted by the United Nations General Assembly and the International Atomic Energy Agency on this attack, including Resolution 425 of 1984 adopted by the General Conference of the IAEA.

11. The Conference recognizes that an armed attack on a safeguarded nuclear facility, or threat of attack, would create a situation in which the Security Council would have to act immediately in accordance with provisions of the United Nations Charter. The Conference further emphasizes the responsibilities of the Depositaries of NPT in their capacity as permanent members of the Security Council to endeavour, in consultation with the other members of the Security Council, to give full consideration to all appropriate measures to be undertaken by the Security Council to deal with the situation, including measures under Chapter VII of the United Nations Charter.

12. The Conference encourages Parties to be ready to provide immediate peaceful assistance in accordance with international law to any Party to the NPT, if it so requests, whose safeguarded nuclear facilities have been subject to an armed attack, and calls upon all States to abide by any decisions taken by the Security Council in accordance with the United Nations Charter in relation to the attacking State.

13. The Conference considers that such attacks could involve grave dangers due to the release of radioactivity and that such attacks or threats of attack jeopardize the development of the peaceful uses of nuclear energy. The Conference also acknowledges that the matter is under consideration by the Conference on Disarmament and urges co-operation of all States for its speedy conclusion.

14. The Conference acknowledges the importance of the work of the International Atomic Energy Agency (IAEA) as the principal agent for technology transfer amongst the international organizations referred to in Article IV (2) and welcomes the successful operation of the Agency's technical assistance and co-operation programmes. The Conference records with appreciation that projects supported from these programmes covered a wide spectrum of applications, related both to power and non-power uses of nuclear energy notably in agriculture, medicine, industry and hydrology. The Conference notes that the Agency's assistance to the developing States Party to the Treaty has been chiefly in the non-power uses of nuclear energy.

15. The Conference welcomes the establishment by the IAEA, following a recommendation of the First Review Conference of the Parties to the Treaty, of a mechanism to permit the channelling of extra-budgetary funds to projects additional to those financed from the IAEA Technical Assistance and Co-operation Fund. The Conference notes that this channel has been used to make additional resources available for a wide variety of projects in developing States Party to the Treaty.

16. In this context, the Conference proposes the following measures for consideration by the IAEA:

(i) IAEA assistance to developing countries in siting, construction, operation and safety of nuclear power projects and the associated trained manpower provision to be strengthened.

(ii) To provide, upon request, assistance in securing financing from outside sources for nuclear power projects in developing countries, and in particular the least developed countries.

(iii) IAEA assistance in nuclear planning systems for developing countries to be strengthened in order to help such countries draw up their own nuclear development plans.

(iv) IAEA assistance on country-specific nuclear development strategies to be further developed, with a view to identifying the application of nuclear technology that can be expected to contribute most to the development both of individual sectors and developing economies as a whole.

(v) Greater support for regional co-operative agreements, promoting regional projects based on regionally agreed priorities and using inputs from regional countries.

(vi) Exploration of the scope for multi-year, multi-donor projects financed from the extra-budgetary resources of the IAEA.

(vii) The IAEA's technical co-operation evaluation activity to be further developed, so as to enhance the Agency's effectiveness in providing technical assistance.

17. The Conference underlines the need for the provision to the IAEA of the necessary financial and human resources to ensure that the Agency is able to continue to meet effectively its responsibilities.

18. The Conference notes the appreciable level of bilateral co-operation in the peaceful uses of nuclear energy, and urges that States in a position to do so should continue and where possible increase the level of their co-operation in these fields.

19. The Conference urges that preferential treatment should be given to the non-nuclear-weapon States Party to the Treaty in access to or transfer of equipment, materials, services and scientific and technological information for the peaceful uses of nuclear energy, taking particularly into account needs of developing countries.

20. Great and serious concerns were expressed at the Conference about the nuclear capability of South Africa and Israel and that the development of such a capability by South Africa and Israel would undermine the credibility and stability of the non-proliferation Treaty régime. The Conference noted the demands made on all States to suspend any co-operation which would contribute to the nuclear programme of South Africa and Israel. The Conference further noted the demands made on South Africa and Israel to accede to the NPT, to accept IAEA safeguards on all their nuclear facilities and to pledge themselves not to manufacture or acquire nuclear weapons or other nuclear explosive devices.

21. The Conference recognizes the growing nuclear energy needs of the developing countries as well as the difficulties which the developing countries face in this regard, particularly with respect to financing their nuclear power programmes. The Conference calls upon States Party to the Treaty to promote the establishment of favourable conditions in national, regional and international financial institutions for financing of nuclear energy projects including nuclear power programmes in developing countries. Furthermore, the Conference calls upon the IAEA to initiate and the Parties to the Treaty to support the work of an expert group study on mechanisms to assist developing countries in the promotion of their nuclear power programmes, including the establishment of a Financial Assistance Fund.

22. The Conference recognizes that further IAEA assistance in the preparation of feasibility studies and infrastructure development might enhance the prospects for developing countries for obtaining finance, and recommends such countries as are members of the Agency to apply for such help under the Agency's technical assistance and co-operation programmes. The Conference also acknowledges that further support for the IAEA's Small and Medium Power Reactor (SMPR) Study could help the development of nuclear reactors more suited to the needs of some of the developing countries.

23. The Conference expresses its satisfaction at the progress in the preparations for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy (UNCPICPUNE) and its conviction that UNCPICPUNE will fully realize its goals in accordance with the objectives of resolution 32/50 and relevant subsequent resolutions of the General Assembly for the development of national programmes of peaceful uses of nuclear energy for economic and social development, especially in the developing countries.

24. The Conference considers that all proposals related to the promotion and strengthening of international co-operation in the peaceful uses of nuclear energy which have been produced by the Third Review Conference of the NPT, be transmitted to the Preparatory Committee of the UNCPICPUNE.

Article V

1. The Conference reaffirms the obligation of Parties to the Treaty to take appropriate measures to ensure that potential benefits from any peaceful applications of nuclear explosions are made available to non-nuclear weapon States Party to the Treaty in full accordance with the provisions of article V and other applicable international obligations, that such services should be provided to non-nuclear weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used should be as low as possible and exclude any charge for research and development.

2. The Conference confirms that the IAEA would be the appropriate international body through which any potential benefits of the peaceful applications of nuclear explosions could be made available to non-nuclear weapon States under the terms of article V of the Treaty.

3. The Conference notes that the potential benefits of the peaceful applications of nuclear explosions have not been demonstrated and that no requests for services related to the peaceful applications of nuclear explosions have been received by the IAEA since the Second NPT Review Conference.

Article VI and preambular paragraphs 8-12

A.

1. The Conference recalled that under the provisions of article VI all parties have undertaken to pursue negotiations in good faith:

- on effective measures relating to cessation of the nuclear arms race at an early date;
- on effective measures relating to nuclear disarmament;
- on a Treaty on general and complete disarmament under strict and effective international control.

2. The Conference undertook an evaluation of the achievements in respect of each aspect of the article in the period under review, and paragraphs 8 to 12 of the preamble, and in particular with regard to the goals set out in preambular paragraph 10 which recalls the determination expressed by the parties to the Partial Test Ban Treaty to:

- continue negotiations to achieve the discontinuance of all test explosions of nuclear weapons for all time.

3. The Conference recalled the declared intention of the parties to the Treaty to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament and their urging made to all States parties to co-operate in the attainment of this objective. The Conference also recalled the determination expressed by the parties to the 1963 Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water in its preamble to seek to achieve the discontinuance of all test explosions on nuclear weapons for all time and the desire to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery.

4. The Conference notes that the Tenth Special Session of the General Assembly of the United Nations concluded, in paragraph 50 of its Final Document, that the achievement of nuclear disarmament will require urgent negotiations of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:

(a) Cessation of the qualitative improvement and development of nuclear-weapon systems;

(b) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;

(c) A comprehensive, phased programme with agreed time-tables whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time".

5. The Conference also recalled that in the Final Declaration of the First Review Conference, the parties expressed the view that the conclusion of a treaty banning all nuclear-weapon tests was one of the most important measures to halt the nuclear arms race and expressed the hope that the nuclear-weapon States party to the Treaty would take the lead in reaching an early solution of the technical and political difficulties of this issue.

6. The Conference examined developments relating to the cessation of the nuclear arms race, in the period under review and noted in particular that the destructive potentials of the nuclear arsenals of nuclear-weapon States parties, were undergoing continuing development, including a growing research and development component in military spending, continued nuclear testing, development of new delivery systems and their deployment.

7. The Conference noted the concerns expressed regarding developments with far reaching implications and the potential of a new environment, space, being drawn into the arms race. In that regard the Conference also noted the fact that the United States of America and the Union of Soviet Socialist Republics are pursuing bilateral negotiations on a broad complex of questions concerning space and nuclear arms, with a view to achieving effective agreements aimed at preventing an arms race in space and terminating it on Earth.

8. The Conference noted with regret that the development and deployment of nuclear weapon systems had continued during the period of review.

9. The Conference also took note of numerous proposals and actions, multilateral and unilateral, advanced during the period under review by many States with the aim of making progress towards the cessation of the nuclear arms race and nuclear disarmament.

10. The Conference examined the existing situation in the light of the undertaking assumed by the parties in Article VI to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. The Conference recalled that a stage of negotiations on the Strategic Arms Limitations Talks (SALT II) had been concluded in 1979, by the signing of the Treaty which had remained unratified. The Conference noted that both the Union of Soviet Socialist Republics and the United States of America have declared that they are abiding by the provisions of SALT II.

11. The Conference recalled that the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America which were held between 1981 and 1983 were discontinued without any concrete results.

12. The Conference noted that bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America had been held in 1985 to consider questions concerning space and nuclear arms, both strategic and intermediate-range, with all the questions considered and resolved in their interrelationship. No agreement has emerged so far. These negotiations are continuing.

13. The Conference evaluated the progress made in multilateral nuclear disarmament negotiations in the period of the Review.

14. The Conference recalled that the trilateral negotiations on a comprehensive test ban treaty, begun in 1977 between the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, had not continued after 1980, that the Committee on Disarmament and later the Conference on Disarmament had been called upon by the General Assembly of the United Nations in successive years to begin negotiations on such a Treaty, and noted that such negotiations had not been initiated, despite the submission of draft treaties and different proposals to the Conference on Disarmament in this regard.

15. The Conference noted the lack of progress on relevant items of the agenda of the Conference on Disarmament, in particular those relating to the cessation of the nuclear arms race and nuclear disarmament, the prevention of nuclear war including all related matters and effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

16. The Conference noted that two Review Conferences had taken place since 1980, one on the Sea-bed Treaty and one on the Environmental Modification Treaty and three General Conferences of the Agency for the Prohibition of Nuclear Weapons in Latin America. In 1982, a Special United Nations General Assembly Session on Disarmament took place without any results in matters directly linked to nuclear disarmament.

17. The Conference also noted the last five years had thus not given any results concerning negotiations on effective measures relating to cessation of the nuclear arms race and to nuclear disarmament.

B.

1. The Conference concluded that, since no agreements had been reached in the period under review on effective measures relating to the cessation of an arms race at an early date, on nuclear disarmament and on a Treaty on general and complete disarmament under strict and effective international control, the aspirations contained in preambular paragraphs 8 to 12 had still not been met, and the objectives under Article VI had not yet been achieved.

2. The Conference reiterated that the implementation of Article VI is essential to the maintenance and strengthening of the Treaty, reaffirmed the commitment of all States Parties to the implementation of this Article and called upon the States Parties to intensify their efforts to achieve fully the objectives of the Article. The Conference addressed a call to the nuclear-weapon States Parties in particular to demonstrate this commitment.

3. The Conference welcomes the fact that the United States of America and the Union of Soviet Socialist Republics are conducting bilateral negotiations on a complex of questions concerning space and nuclear arms - both strategic and intermediate-range - with all these questions considered and resolved in their interrelationship. It hopes that these negotiations will lead to early and effective agreements aimed at preventing an arms race in space and terminating it on Earth, at limiting and reducing nuclear arms, and at strengthening strategic stability. Such agreements will complement and ensure the positive outcome of multilateral negotiations on disarmament, and would lead to the reduction of international tensions and the promotion of international peace and security. The Conference recalls that the two sides believe that ultimately the bilateral negotiations, just as efforts in general to limit and reduce arms, should lead to the complete elimination of nuclear arms everywhere.

4. The Conference urges the Conference on Disarmament, as appropriate, to proceed to early multilateral negotiations on nuclear disarmament in pursuance of paragraph 50 of the Final Document of the First Special Session of the General Assembly of the United Nations devoted to disarmament.

5. The Conference reaffirms the determination expressed in the preamble of the 1963 Partial Test Ban Treaty, confirmed in Article I (b) of the said Treaty and reiterated in preambular paragraph 10 of the Non-Proliferation Treaty, to achieve the discontinuance of all test explosions of nuclear weapons for all time.

6. The Conference also recalls that in the Final Document of the First Review Conference, the Parties expressed the view that the conclusion of a Treaty banning all nuclear weapons tests was one of the most important measures to halt the nuclear arms race. The Conference stresses the important contribution that such a treaty would make toward strengthening and extending the international barriers against the proliferation of nuclear weapons; it further stresses that adherence to such a treaty by all States would contribute substantially to the full achievement of the non-proliferation objective.

7. The Conference also took note of the appeals contained in five successive United Nations General Assembly resolutions since 1981 for a moratorium on nuclear weapons testing pending the conclusion of a comprehensive test ban Treaty, and of similar calls made at this Conference. It also took note of the measure announced by the Union of Soviet Socialist Republics for a unilateral moratorium on all nuclear explosions from 6 August 1985 until 1 January 1986, which would continue beyond that date if the United States of America, for its part, refrained from carrying out nuclear explosions. The Union of Soviet Socialist Republics suggested that this would provide an example for other nuclear-weapon States and would.create favourable conditions for the conclusion of a Comprhensive Test Ban Treaty and the promotion of the fuller implementation of the Non-Proliferation Treaty.

8. The Conference took note of the unconditional invitation extended by the United States of America to the Union of Soviet Socialist Republics to send observers, who may bring any equipment they deem necessary, to measure a United States of America nuclear test in order to begin a process which in the view of the United States of America would help to ensure effective verification of limitations on under-ground nuclear testing.

9. The Conference also took note of the appeals contained in five United Nations General Assembly resolutions since 1982 for a freeze on all nuclear weapons in quantitative and qualitative terms, which should be taken by all nuclear-weapon States or, in the first instance and simultaneously, by the Union of Soviet Socialist Republics and the United States of America on the understanding that the other nuclear-weapon States would follow their example, and of similar calls made at this Conference.

10. The Conference took note of proposals by the Union of Soviet Socialist Republics and the United States of America for the reduction of nuclear weapons.

11. The Conference took note of proposals submitted by States Parties on a number of related issues relevant to achieving the purposes of Article VI and set out in Annex I to this document and in the statements made in the General Debate of the Conference.

12. The Conference reiterated its conviction that the objectives of Article VI remained unfulfilled and concluded that the nuclear-weapon States should make greater efforts to ensure effective measures for the cessation of the nuclear arms race at an early date, for nuclear disarmament and for a Treaty on general and complete disarmament under strict and effective international control.

The Conference expressed the hope for rapid progress in the United States-USSR bilateral negotiations.

The Conference except for certain States whose views are reflected in the following subparagraph deeply regretted that a comprehensive multilateral Nuclear Test Ban Treaty banning all nuclear tests by all States in all environments for all time had not been concluded so far and, therefore, called on the nuclear weapon States Party to the Treaty to resume trilateral negotiations in 1985 and called on all the nuclear-weapon States to participate in the urgent negotiation and conclusion of such a Treaty as a matter of the highest priority in the Conference on Disarmament.

At the same time, the Conference noted that certain States Party to the Treaty, while committed to the goal of an effectively verifiable comprehensive Nuclear Test Ban Treaty, considered deep and verifiable reductions in existing arsenals of nuclear weapons as the highest priority in the process of pursuing the objectives of Article VI.

The Conference also noted the statement of the USSR, as one of the nuclear weapon States Party to the Treaty, recalling its repeatedly expressed readiness to proceed forthwith to negotiations, trilateral and multilateral, with the aim of concluding a comprehensive Nuclear Test Ban Treaty and the submission by it of a draft Treaty proposal to this end.

Article VII and the Security of Non-Nuclear-Weapon States

1. The Conference observes the growing interest in utilizing the provisions of Article VII of the Non-Proliferation Treaty, which recognizes the right of any group of States to conclude regional treaties in order to assure the absence of nuclear weapons in their respective territories.

2. The Conference considers that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned constitutes an important disarmament measure and therefore the process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account.

3. The Conference emphasizes the importance of concluding nuclear-weapon-free zone arrangements in harmony with internationally recognized principles, as stated in the Final Document of the First Special Session of the United Nations devoted to disarmament.

4. The Conference holds the view that, under appropriate conditions, progress towards the establishment of nuclear-weapon-free zones will create conditions more conducive to the establishment of zones of peace in certain regions of the world.

5. The Conference expresses its belief that concrete measures of nuclear disarmament would significantly contribute to creating favourable conditions for the establishment of nuclear-weapon-free zones.

6. The Conference expresses its satisfaction at the continued successful operation of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). It reaffirms the repeated exhortations of the General Assembly to France, which is already a signatory of Additional Protocol I, to ratify it, and calls upon the Latin American States that are eligible to become parties to the treaty to do so. The Conference welcomes the signature and ratification of Additional Protocol II to this Treaty by all nuclear-weapon States.

7. The Conference also notes the continued existence of the Antarctic Treaty.

8. The Conference notes the endorsement of the South Pacific Nuclear Free Zone Treaty by the South-Pacific Forum on 6 August 1985 at Rarotonga and welcomes this achievement as consistent with Article VII of the Non-Proliferation Treaty. The Conference also takes note of the draft Protocols to the South Pacific Nuclear Free Zone Treaty and further notes the agreement at the South Pacific Forum that consultations on the Protocols should be held between members of the Forum and the nuclear-weapon States eligible to sign them.

9. The Conference takes note of the existing proposals and the ongoing regional efforts to achieve nuclear-weapon-free zones in different areas of the world.

10. The Conference recognizes that for the maximum effectiveness of any treaty arrangements for establishing a nuclear-weapon-free zone the co-operation of the nuclear-weapon States is necessary. In this connection, the nuclear-weapon States are invited to assist the efforts of States to create nuclear-weapon-free zones, and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone.

11. The Conference welcomes the consensus reached by the United Nations General Assembly at its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the region of the Middle East would greatly enhance international peace and security, and urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East.

12. The Conference also invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to the letter and spirit of United Nations General Assembly resolution 39/54.

13. The Conference considers that acceding to the Non-Proliferation Treaty and acceptance of IAEA safeguards by all States in the region of the Middle East will greatly facilitate the creation of a nuclear-weapon-free zone in the region and will enhance the credibility of the Treaty.

14. The Conference considers that the development of a nuclear weapon capability by South Africa at any time frustrates the implementation of the Declaration on the Denuclearization of Africa and that collaboration with South Africa in this area would undermine the credibility and the stability of the Non-Proliferation Treaty régime. South Africa is called upon to submit all its nuclear installations and facilities to IAEA safeguards and to accede to the Non-Proliferation Treaty. All States Parties directly concerned are urged to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in Africa. The nuclear weapon States are invited to assist the efforts of States to create a nuclear-weapon-free zone in Africa, and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone.

15. The Conference considers that the most effective guarantee against the possible use of nuclear weapons and the danger of nuclear war is nuclear disarmament and the complete elimination of nuclear weapons. Pending the achievement of this goal on a universal basis and recognizing the need for all States to ensure their independence, territorial integrity and sovereignty, the Conference reaffirms the particular importance of assuring and strengthening the security of non-nuclear-weapon States Parties which have renounced the acquisition of nuclear weapons. The Conference recognizes that different approaches may be required to strengthen the security of non-nuclear-weapon States Parties to the Treaty.

16. The Conference underlines again the importance of adherence to the Treaty by non-nuclear-weapon States as the best means of reassuring one another of their renunciation of nuclear weapons and as one of the effective means of strengthening their mutual security.

17. The Conference takes note of the continued determination of the Depositary States to honour their statements, which were welcomed by the United Nations Security Council in resolution 255 (1968), that, to ensure the security of the non-nuclear-weapon States Parties to the Treaty, they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty which is a victim of an act or an object of a threat of aggression in which nuclear weapons are used.

18. The Conference reiterates its conviction that, in the interest of promoting the objectives of the Treaty, including the strengthening of the security of non-nuclear-weapon States Parties, all States, both nuclear-weapon and non-nuclear-weapon States, should refrain, in accordance with the Charter of the United Nations, from the threat or the use of force in relations between States, involving either nuclear or non-nuclear weapons.

19. The Conference recalls that the Tenth Special Session of the General Assembly in paragraph 59 of the Final Document took note of the declarations made by the nuclear-weapon States regarding the assurance of non-nuclear-weapon States against the use or threat of use of nuclear weapons and urged them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

20. Being aware of the consultations and negotiations on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, which have been under way in the Conference on Disarmament for several years, the Conference regrets that the search for a common approach which could be included in an international legally binding instrument, has been unsuccessful. The Conference takes note of the repeatedly expressed intention of the Conference on Disarmament to continue to explore ways and means to overcome the difficulties encountered in its work and to carry out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. In this connection, the Conference calls upon all States, particularly the nuclear-weapon States, to continue the negotiations in the Conference on Disarmament devoted to the search for a common approach acceptable to all, which could be included in an international instrument of a legally binding character.

Article VIII

The States Party to the Treaty participating in the Conference propose to the Depositary Governments that a fourth Conference to review the operation of the Treaty be convened in 1990.

The Conference accordingly invites States Party to the Treaty which are Members of the United Nations to request the Secretary-General of the United Nations to include the following item in the provisional agenda of the forty-third session of the General Assembly:

> "Implementation of the conclusions of the third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and establishment of a Preparatory Committee for the fourth Conference.".

Article IX

The Conference, having expressed great satisfaction that the overwhelming majority of States have acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and having recognized the urgent need for further ensuring the universality of the Treaty, appeals to all States, particularly the nuclear-weapon States and other States advanced in nuclear technology, which have not yet done so, to adhere to the Treaty at the earliest possible date.